

I. A-file Policy and Practice

A. Introduction

Not all of the factors that affected the quality of naturalization adjudications during CUSA concerned the quality of the adjudicators' training and experience, the substantive guidance they were given, or even the production pressures under which they worked, all of which we have addressed in previous chapters. In addition to these factors, naturalization adjudications were compromised by INS' failure to make necessary tools—applicant files and the results of criminal history checks—available to adjudicators. In our next two chapters we address these aspects of naturalization processing during CUSA.

Here, we address the role of the applicant file in the naturalization process. An applicant's file contains his or her immigration history. As such, it is an important source of information for the adjudicator who interviews the applicant and makes the determination of eligibility. Our investigation confirmed that there were serious risks—like those described above concerning the “Operation Desert Deception” investigation—posed by adjudicating a naturalization application without reviewing the applicant's permanent file. We also confirmed that by the time of CUSA, INS had become accustomed to running that risk in many cases.

Like INS' adjudicative standards described in our previous chapter, the standards governing INS' file practices did not suddenly collapse as of the creation of the CUSA program. There had instead been gradual erosion, dating back at least to the early 1980s, of the traditional notion that the permanent file should be available for the officer at interview. That erosion was in part a function of INS' inability to manage the huge number of files it had created as its workload grew. INS looked forward to an automated future in which a hard-copy file would no longer be necessary. In the meantime, however, it failed to maintain its records management, and the use of temporary files became more common.

By the time of CUSA, INS become so accustomed to poor file-handling procedures, and fixing the problems appeared so daunting a task, that CUSA managers increased production with little concern about what ramifications the increased production would have on file availability and file review in conjunction with naturalization adjudication. INS implemented new

processing strategies that undermined its ability to provide adjudicators with applicant files for their review as part of the determination of eligibility. Computer systems on which INS relied for the successful movement of files from one office to another, known to be deficient before CUSA, were relied on even more heavily and failed under the strain. Temporary files proliferated. Efforts to “streamline” the naturalization process further eroded file practices, institutionalizing the idea that file review was not a necessary part of every naturalization adjudication.

As a result, CUSA increased the likelihood of naturalization adjudication errors caused by the failure to review the applicant’s file. In addition, the contemporaneous creation of hundreds of thousands of temporary files had the collateral consequence of exacerbating pre-existing difficulties in records maintenance and control, the very difficulties which had originally contributed to INS’ increased reliance on temporary files.

We begin our discussion of A-file policy and practice with a description of the role of the applicant file in the naturalization process as it was traditionally envisioned. We then trace the factors that led INS to widen the gap between ideal and actual file practices.

In our section on file practices during CUSA, we describe how CUSA innovations—the data-entry project at Laguna Niguel (NDEC), the opening of new sites for naturalization interviews, and Direct Mail for N-400s—made it more likely that adjudicators would not have access to an applicant’s permanent file in conjunction with the naturalization interview. We show how INS’ vision of the new, streamlined naturalization process, in the name of increased production, diminished the opportunity for meaningful file review. Finally, at the end of the chapter we offer examples of how INS’ failure to manage its records affected not only its ability to properly evaluate an applicant’s eligibility, but also its ability to maintain accurate records concerning who was naturalized during CUSA.

B. The A-file and its role in naturalization processing

Since January 1, 1955, INS has maintained any records relating to an individual alien in a file referred to as the “Administrative File” or A-file.¹ A

¹ As noted above, INS’ Operations Instructions refer to the A-file as the “Alien File.”

separate A-file is used for each individual, and no individual should have more than one.

An A-file is created when INS action is initially required for a particular person. For example, when an immigrant visa is issued, the visa is sent to an Immigrant Card Facility and an A-file is generated. Many other events trigger the creation of an A-file, including the initiation of an exclusion proceeding, the receipt of a petition to classify an immigrant's spouse or other relative for some benefit, or, according to the INS Records Operations Handbook, "any other time a case file is needed." If no file already exists by the time an individual applies to become a resident; a file will be created upon receipt of the application. No one can be granted permanent residency or citizenship without an A-file. Once created, it is the repository of all immigration records concerning that individual.

Naturalization adjudication has historically rested on the principle that the A-file is required for the applicant's naturalization interview. It has been the vehicle for the storage and movement of the application itself, as well as related documentation and correspondence. Of more substantive importance, the A-file contains the records of how the applicant had become a permanent resident and any other formal contact he or she has had with INS. By reviewing the applicant's file, the interviewer can learn the applicant's immigration history in order to determine whether the applicant meets the threshold criteria for naturalization, such as the requisite period of permanent residency. Review of a properly maintained A-file can also ensure that there is no other potentially disqualifying action, such as deportation, that is being simultaneously pursued by INS against the applicant. As witnesses emphasized to the OIG, the file permitted the interviewing officer to confirm the applicant's identity and to validate the information provided by the applicant (or conversely to identify misrepresentations).

More generally, the information in the file provides the context for review of the citizenship application and a foundation for selecting pertinent questions for the naturalization interview. The information elicited by these questions forms the basis for the determination of the applicant's "good moral character," a central statutory requirement for citizenship eligibility. In short, the A-file, in combination with the application for citizenship, is the primary touchstone for the face-to-face interview that determines eligibility.

As INS managers and field personnel consistently acknowledged to the OIG, the presence of the A-file at the naturalization interview was a necessary

element of a proper adjudication. In the words of former Associate Commissioner for Adjudications Lawrence Weinig, an officer without an A-file is “operating in the dark.”

This principle was still at the core of naturalization processing during fiscal year 1996. Although INS had developed its electronic record-keeping methods, no database existed that could convey accurately all of the information contained in an applicant’s A-file. The hard copy of the file continued to be the only method of storing all critical documents—from the applicant’s initial visa to the latest FBI criminal history report—to be used by the officer adjudicating the naturalization application. As Commissioner Meissner told the OIG, “A-files are the bedrock of this agency. You can’t function without files, and the old-timers know that and...respect the importance of it.”

C. Principle v. practice: INS’ reliance on temporary files before CUSA

Despite the widespread consensus that the A-file *should* play an integral role in the naturalization interview, INS had become reliant to a significant degree, long before CUSA, on using temporary files in lieu of A-files in the adjudication of naturalization applications. A temporary file was generally a folder containing only the naturalization application and a printout from INS’ Central Index System (CIS) showing the applicant’s immigration status. It did not contain the actual records detailing the applicant’s previous contact with INS or information concerning how the applicant became a permanent resident. Thus, even before fiscal year 1996, there was already a gulf between what INS managers proclaimed was sound naturalization processing practice and the actual practice. This pre-existing divide was widened during CUSA, leading to further erosion of A-file use. In the sections that follow, we describe INS’ temporary file policy and practice, the conditions that gave rise to them, and the resulting vulnerabilities this presented to naturalization processing.

1. The policy of temporary files

The use of temporary files grew out of the problems resulting from A-file movement and management. If a permanent resident moved to another part of the country before applying for citizenship, the A-file had to be transferred from the original district to the district where the applicant had filed for citizenship. As the volume of naturalizations increased, the number of inter-

district file transfers also increased. In addition, some districts grew so large that keeping track of A-files even within the district became a monumental task. Over time and as the volume of files increased, INS became less competent at moving files from place to place in a timely fashion. As a result, applicants sometimes found their citizenship applications in limbo because their A-file could not be located.

In response to its failures to “[maintain] proper custody and distribution” of permanent files, INS issued a directive in February 1980 concerning the use of temporary files.² Citing the “countless” applicants who were being “delayed for months and months in being calendared for final hearing . . . solely because repeated requests [had] failed to produce the relating Service files,” and labeling “intolerable” the periods of time petitioners spent waiting because INS could not “locate the file, or having located it [could] not present it at the right place and time,” then-Acting Commissioner David Crosland set out in a memorandum to the Field the circumstances under which an applicant should be permitted to naturalize despite the fact that his or her permanent file had not been received. According to the Crosland memo, a petitioner could be naturalized using only a temporary file if:

1. the existing record, beginning with receipt of the application, showed **diligent** [emphasis in original] efforts for six (6) months to obtain the file;
2. Form I-551 or I-151 [proof of permanent residency] had been presented; and

² Although there are two types of non-permanent files, for purposes of this report the term “temporary file” refers to any file or folder other than the permanent A-file, unless otherwise indicated. Technically, there are distinctions between non-permanent files that have a barcode (a “temporary” or “T-file”) and folders that would not be barcoded and generally contained only correspondence (“work folders”). The OIG found, however, that the “work folders” sometimes were used to house N-400s and that some witnesses referred to all non-permanent files as “temporary files.” The distinction between the two can be significant, primarily because “temporary files” with barcodes, unlike “work folders,” could be inventoried electronically into the RAFACS database. We will specify any instances when the distinction between the two kinds of non-permanent files is relevant to a matter at issue in this report.

3. there [was] nothing to indicate that the file would reveal more than [was] already known insofar as eligibility for naturalization [was] concerned.

The Field also was instructed to have an officer review the temporary file used for naturalization “prior to routine file closing actions.” The criteria set out in the Crosland directive remained INS’ temporary file policy until it was changed during the CUSA program in May 1996.

Although not all INS personnel interviewed by the OIG on the subject were aware of this specific iteration of the temporary file policy, they consistently understood its gist: that naturalization interviews could be conducted using temporary files and that an applicant could be naturalized on the basis of a temporary file if there was proof that the applicant was a permanent resident *and* a diligent but nevertheless unsuccessful search for the A-file had been made. Most witnesses also added, as is noted in the Crosland directive, that the “diligent search” should last at least six months, and that a temporary file should only be used if there was no indication that the A-file might contain disqualifying information.

a. The Crosland directive did not require a search for the permanent file before the applicant’s interview

Articulation of this new policy did more than identify the criteria for reliance on a temporary file. In addition to providing guidance for *whether* an A-file was necessary, it also implicitly told the field *when* it was required. By emphasizing that the applicants who were being penalized by INS’ failure to locate files were those whose “documents presented and testimony taken in preliminary examinations [had] revealed nothing which would bar” their naturalization, and by addressing, as noted above, the delays in “calendar[ing] such cases for final hearing,” the directive implicitly recognized—and failed to object to the fact—that A-files were often not being used during naturalization interviews.

Although there was some value to reviewing the file after the interview, the A-file’s primary relevance to the naturalization process was in its role as the fundamental tool to glean information to determine an applicant’s eligibility for citizenship. If absence of the A-file at interview did not always mean that the adjudicator remained “in the dark,” its presence often provided a great deal of potential illumination. Although a diligent post-interview review of the A-file might reveal some actionable inconsistencies between the

information in the file and that provided in the N-400 application, many other issues would remain hidden or underdeveloped without the type of exploration that could only occur during the interview.

Before and during CUSA, however, consistent with Acting Commissioner Crosland's articulation of the temporary file policy, the Key City Districts did not require the A-file to conduct a naturalization interview. Even in those districts that enforced a policy of "diligent searches" for A-files (and not all did), searches were only required before naturalization (final hearing), and not before the applicant's interview.³ Well before the implementation of the CUSA program, therefore, INS' temporary file practice had already undermined its own often-articulated principle about the importance of the A-file in the adjudication of an application for naturalization.

b. Inadequate criteria for the use of temporary files

Beyond implicitly sanctioning the practice of conducting interviews without A-files, the Crosland directive failed to establish standards that would lead to uniformity in searching for and obtaining permanent files. While it implied that reliance on temporary files should be the exception rather than the rule, the directive provided little guidance other than to tell the Field to search for the file for at least six months.

There was no guidance, for example, concerning the nature or extent of the file search. Over the 15 years that passed between institution of the policy and implementation of CUSA, locating the A-file became an increasingly complex task that grew more dependent upon automation. The instruction to the Field to be "diligent" in its searches gave the policy a patina of commitment to obtaining the file, but little else. In the absence of an objective measure, the standard for diligence differed from district to district.

Similarly, the directive's prohibition against using a temporary file if there was an indication "that the file will reveal more than is already known" about naturalization eligibility sounded appropriately circumspect but was largely meaningless in practice. It created a Catch-22: one need not review the

³ Though objective data concerning the frequency of temporary file use at the naturalization interview is not maintained by INS, witness reports established that, even in those districts where the A-file was required before *naturalization*, it was not uncommon to conduct a naturalization *interview* on the basis of only a temporary file.

file unless its contents raised concerns and one cannot know what the contents are until the file is reviewed. While this proscription told the districts that they should not ignore obvious indications that the missing file did indeed contain some potentially disqualifying information, that warning was irrelevant to the bulk of the cases.⁴

c. Pre-CUSA practices in the Key City Districts

Not surprisingly, the implementation of the temporary file policy in the Key City Districts reflected the policy's weaknesses. First, none of the Key City Districts required adjudicators to locate and review the A-file before the applicant's *interview*. In the environment that existed before CUSA, a commitment to obtaining A-files meant only that they would be obtained by the time of the naturalization ceremony. Moreover, because no objective criteria for "diligence" were promulgated, even this limited commitment to file integrity varied among the districts. Some districts, for example, adopted a liberal view of "diligence" and essentially abandoned any meaningful efforts to find or review the file at any time before naturalization. In the absence of clear standards, the extent and quality of the search was dependent upon the attitude of local management and on resource allocation. We examine below those districts where file practices before CUSA were relatively stronger (New York, San Francisco, Miami), as well as those where the A-file had ceased to be a required part of the naturalization process (Los Angeles, Chicago).

(1) Key City Districts that emphasized finding the A-file

In three of the five Key City Districts before CUSA, the evidence revealed a practice of making some meaningful efforts to find the permanent file and, in most cases, to review it (as also required by the Crosland directive) before the final naturalization of the applicant. In the districts of New York, San Francisco, and Miami, if the applicant was interviewed on the basis of only a temporary file, his or her application could be approved, but if the case was less than six months old it would be continued while the district searched for the A-file. If six months had passed since the permanent file had been requested, the application would be reviewed to determine if it met the criteria

⁴ This idea of approving a naturalization case as long as the missing A-file would not contradict the adjudicator's decision lingered throughout CUSA.

for approval despite the absence of the permanent file, a process referred to as “post-auditing” in some districts. This review included examining whether sufficient efforts had been made to find the permanent file.

As demonstrated below, the search for permanent files depended upon local managers’ views of the issue’s importance. In some districts, managers underscored the importance of A-file review and required relatively vigorous efforts by employees to find files. In the absence of specific requirements from Headquarters, it was up to these local managers to invest the concept of file review with practical importance.

i. New York District

In the New York District, final approval of a case in which only a temporary file had been used or reviewed at interview could take as long as a year. During that time, district staff attempted to obtain files through INS’ automated systems and by means of a “G-100 form,” or a written, hard-copy document file request. If these requests did not produce the permanent file, a “special search” would be requested of the District’s Special Search Unit, or SSU.⁵

The SSU, once staffed with as many as nine clerks, was described by one former SSU employee as a “third party” in the effort to find the file after the file room’s efforts had been unsuccessful. The SSU search did not rely merely on a perfunctory scan of the file room. SSU staff would sometimes conduct searches of the shelves guided by the most common filing mistakes, such as mistaking a file ending in “-235” as one ending in “-325.” If the SSU certified that its efforts had been unsuccessful, and six months had passed since the original file request, then the application could be approved using a temporary file, provided that it contained the G-100 and a CIS printout showing the first file request had been made.

Even then, there was one more effort to locate the permanent file. Before a temporary file with a barcode was created, the case was forwarded to the Index Section, which made one last attempt to determine whether the A-file was indeed unavailable. Only after confirming such unavailability was the

⁵ The INS Records Manual sets out the procedures to be followed when conducting a “special search.”

folder barcoded and considered the formal temporary file and tracked in the database.

The New York Citizenship Section Chief (and others) reported to the OIG that, as a result of these efforts, the District rarely completed or closed naturalization cases without the applicant's permanent file.

ii. San Francisco District

In the San Francisco District, the evidence also revealed that a "diligent search" policy was understood and enforced throughout the ranks. District Director Thomas Schiltgen, who arrived in San Francisco in 1994, noted that a culture that emphasized the importance of the A-file existed when he first became District Director. This was a legacy of the former District Director, and its lasting effect was reflected in entreaties by employees to Schiltgen from time to time for his assistance in obtaining a file from another district.

Western Region officials corroborated San Francisco's commitment to A-file retrieval, stating that San Francisco was known as a district that was insistent on obtaining A-files for naturalization. The Assistant District Director for Adjudications, David Still, pointed out that San Francisco's adherence to the A-file policy was steadfast and resistant even to urging from regional officials to be less exacting in its expectations of obtaining files.

In the San Francisco District witnesses did not offer uniform views of exactly what steps were required to "post-audit" a temporary file, and not all recited a "six months diligent search" rule. Officers and supervisors did consistently report, however, that a temporary file could only be used as the final hearing file in a naturalization case if reasonable and necessary steps to find the permanent file had been taken. The examples provided by witnesses of the efforts undertaken reflected a genuine interest in obtaining the files.

Thus, if the file were located within the district but outside the Adjudications Division, such as in the Investigations Division, a supervisor would call to learn the status of the file and to get it delivered. Supervisors would also, when necessary, call other districts to facilitate the file transfer. Further, the San Francisco District also had someone specifically assigned to conduct special file searches.

Adherence to the spirit and not just the letter of temporary file policy required more than mere retrieval of the file. It also necessitated a thorough review of the file after it had been located. Our investigation revealed that the

San Francisco District Office personnel were mindful of the policy's underlying purpose. When an A-file was located after the naturalization interview had already been conducted, it was reviewed and compared to the N-400 to determine whether there were factors that might have altered the interviewer's conclusion. In the District Office, cases continued for A-files after interview were placed in review drawers, and officers were assigned to conduct reviews weekly as new A-files arrived.

iii. Miami District

In the Miami District, too, both the retrieval and the review of A-files that had not been available at the time of interview were emphasized as important aspects of ensuring the applicant's eligibility for naturalization. Temporary files used at interview were segregated from other cases that had been granted and labeled "continued for A-file." When A-files for such cases were received, a DAO was responsible for reviewing both files to ensure that the case had been adjudicated properly. In cases for which the A-file was not received, final approval for naturalization required a copy of the applicant's Green Card, a printout from CIS showing that the file request had been made six months earlier, and a copy of a local memorandum in which the DADDN specified the steps which had to be taken before naturalization on a temporary file would be approved. This was not a policy in name only. The DADDN in Miami disseminated the policy repeatedly, and was widely regarded as "strict" regarding these requirements. As a result, the staff was aware of and sought to comply with the local rules.

(2) Key City Districts where A-file searches were not a priority

In the other two Key City Districts, however, retrieval and review of A-files were not treated as critical stages in the adjudication process. By late 1995 in the Los Angeles and Chicago Districts, the practice of obtaining A-files before the final naturalization hearing had become extremely loose. Even before CUSA, the emphasis in these districts on completing naturalization cases had overridden any serious commitment to using the A-file in that process. As discussed in subsequent sections of this chapter, there is ample evidence that the sacrifice of consistent A-file use to increasing the rate of completions was consistent with, and not in contravention of, the attitude of INS Headquarters toward naturalization processing.

i. Los Angeles District

The erosion in the Los Angeles District's reliance on the permanent file did not represent a deliberate dismissal of the A-file's potential contribution to the process. In the years before CUSA, the former Los Angeles Deputy District Director, Donald Looney, was described as someone who emphasized the importance of having the permanent A-file before naturalization. That emphasis, however, was tempered by his simultaneous desire not to let available seats at naturalization ceremonies go unfilled.

By late 1994 and early 1995, Los Angeles' backlog was growing at a rapid clip. The rate of N-400 receipts was outpacing Los Angeles' ability to complete cases by *10,000-15,000 cases per month*. Every delay, therefore, added to the backlog. As a result of this high demand for naturalization, the Los Angeles District had urged the local court to provide it with additional dates for naturalization ceremonies. Once the dates were provided, the Deputy District Director was intent on showing that the additional dates were really needed.

Looney's desire to fill the ceremonies that were scheduled, according to the Naturalization Section Chief at the time, overcame his interest in ensuring that the A-file was reviewed before naturalization. As a result, the Naturalization Chief estimated that by early 1995, 60,000-80,000 of the 200,000 post-naturalization cases awaiting "close-out" in the naturalization database had been completed using non-permanent files.

At the same time, Los Angeles did not feel constrained by any national policy, directive, or Headquarters' priority mandating permanent file use. As one regional manager described it, the practice was allowed to thrive because no one told Los Angeles *not* to rely on temporary files. The OIG found no evidence to suggest that local managers, from the District Director to lower-level management personnel, were aware of any policies that prohibited their approach. In some respects, this reflected a lack of knowledge about the policy articulated in the Crosland memorandum and, in other respects, it reflected the memorandum's vague criteria.

Some Los Angeles managers generally were aware of a "diligent search" policy that required some search before the temporary file was used. The absence of any concrete guidance or standards for that term, however, left these managers free to interpret "due diligence" as liberally as they deemed necessary. Only two Los Angeles managers, both of whom had been INS

employees in the early 1980s and had worked in naturalization for a long time, recalled the 6-month “diligent search” policy as the policy governing temporary file use dating back to the early 1980s. They essentially interpreted this policy as simply requiring a 6-month *wait* from the initial file request before the applicant could be naturalized on a temporary file.

Even this diluted “6-month wait” interpretation of the policy, which transformed a “diligent search” requirement into an exercise in clock-watching, was not followed by the managers who supervised the naturalization program in the period immediately before (or during) CUSA. Instead, they believed that there was an even shorter waiting period or no waiting period at all. ADDA Jane Arellano told the OIG that she believed a waiting period of 60 days from the time of the initial file request satisfied the “due diligence” standard.⁶ District Director Rogers believed there was *no* temporary file policy, other than the requirement to request the A-file. Thereafter, if the file didn’t arrive, Los Angeles could rely on a temporary file.

In Los Angeles, therefore, “due diligence” was not a standard but a term of art for the 60-day period following the initial file request upon receipt of an application for citizenship. As DADDA Donald Neufeld described it, officers in Los Angeles never needed the A-file to adjudicate a naturalization application even before CUSA, although they could wait for it if they chose to. The A-file was only required to retire a case to the Federal Records Center after naturalization, a requirement that had nothing to do with adjudicative integrity.

In the face of such reliance on temporary files, many Los Angeles adjudicators reassured themselves—mistakenly, it turns out—that the integrity of the process was maintained by a “post-audit” or post-interview review. They were confident that, before the naturalization ceremony, the permanent file was reviewed to determine whether disqualifying information existed or, in the continuing absence of the permanent file, an experienced reviewer revisited

⁶ Arellano cited a 1981 INS Headquarters Records Division memorandum ostensibly to that effect. In researching the matter, the OIG found a Records teletype on the subject dated July 15, 1981, and Arellano confirmed that it was the policy on which Los Angeles had relied. The teletype directed all DDs to “open a temporary file” in “Section 245 and visa petition cases where requested file has not been received within sixty days.” Nevertheless, the plain language of the teletype does not suggest that it was intended to supersede or modify the Crosland directive.

the entire process. The evidence revealed, however, that the Los Angeles District did not double-check by means of post-auditing the temporary files on which it relied.

Those Los Angeles employees who believed that “post-auditing” was being conducted identified a particular Section Chief as the person responsible for the final review. According to the Section Chief, however, the employees’ confidence in post-auditing was misplaced. He had been the Naturalization Section Chief from 1983 to 1993 and advised OIG that, during his tenure, no post-auditing took place. District Director Rogers, ADDA Arellano, and DADDA Neufeld agreed that, during their respective tenures at the Los Angeles District, there had never been any such review, and none was implemented during CUSA.

By 1995, then, Los Angeles managers had become accustomed to working without permanent files, either before or after the interview, in evaluating an application for naturalization. Instead, the process relied on a temporary file, which generally contained a copy of the N-400, photographs submitted with the application, and a CIS printout verifying the applicant’s legal permanent resident status.

Los Angeles managers, however, defended their lack of reliance on the permanent file by dismissing its significance. As expressed by the Naturalization Section Chief, the permanent A-file was not always useful, except perhaps to confirm or dispel an already-aroused suspicion of fraud. Because the number of fraudulent cases was believed to be comparatively small, Los Angeles viewed the absence of the A-file at the interview as essentially an acceptable risk and not of great moment.

ii. Chicago District

The Chicago District naturalization program had also become dependent on using temporary files or work folders well before the implementation of CUSA. This dependency developed, as in Los Angeles, out of the combined influence of the high demand for naturalization and the shortage of staff to keep pace with this demand. The particular difference in Chicago, however, was that the increased demand for naturalization was, in part, the result of the Chicago District’s “outreach” effort, a program aggressively promoted by then-District Director A.D. Moyer, as discussed in our previous chapter. In Chicago, the decision to proceed with naturalization on the basis of temporary files instead of waiting for the review of the permanent file was, in large part,

the result of a desire to continue the public-relations success and popularity of the outreach processing program.

The primary reason that A-files were often not available to naturalization officers in Chicago before CUSA was that the overwhelmed records staff could not find, order, or pull the requisite files and send them to the requesting party in the time allotted for the task.⁷ The Records Division simply could not keep up with the demands placed on it.

In addition to the staffing inadequacy, the amount of time allotted in the Chicago District for locating files was also truncated. By 1995, applications for outreach cases represented the bulk of Chicago's naturalization work.⁸ Such applications, however, were not entered into the database—a necessary step to trigger a file request—as soon as the application was submitted but rather only when it was time to schedule the interviews. Though some applicants might have to wait as long as eight months from the date their applications were submitted until their interviews, the approximate time between data-entry, or interview-scheduling, and interview was only approximately two months. Thus, records staff would have only that 2-month window to respond to file requests (whether for files within or from outside the district). Because file transfers *within* the District Office itself could take an estimated two months (not including the time it took to transfer the file from the Federal Records Center), the scheduling system for outreach interviews ensured that many files would not be available on time.

The availability of the A-file, however, was considered secondary to the priority interest in moving cases forward. Chicago personnel reported that District Director Moyer did not want naturalization cases continued solely because the A-file was not available. Though witnesses did not cite a specific reason given by Moyer for his dismissal of the notion that the A-file should be reviewed, the evidence indicates that it was consistent with his stance that

⁷ Indeed, as discussed below, because of its depleted records staff, Chicago District was one of the sites later chosen for the pilot records contract funded by the June Reprogramming.

⁸ As detailed earlier in the report, District Director Moyer's strong interest in outreach resulted in the expansion of Chicago District's outreach program from four participating community-based organizations in 1990 to 32 in 1995, including 42 separate outreach sites (some CBOs had sub-offices).

applicants for citizenship, particularly those participating in Chicago's outreach program, should not be delayed.

As discussed earlier in this report (see "Interviews and Adjudications," above), the Chicago outreach program was hailed by INS as a visionary and model program. This does not mean (and we did not find) that Headquarters officials specifically approved of any of the methodologies adopted by the Chicago District in its outreach work. It does, however, illustrate in one more context the consequences of the absence of a solid national policy on A-file use to insulate integrity safeguards from encroachment by other priorities. In Chicago, processing applications in cooperation with community-based organizations became a more important objective than making the appropriate tools available to the interviewing officers.⁹

2. INS records management: setting the stage for reliance on temporary files at interview

As noted earlier, the Crosland directive implied that the A-file was often not available at the time of interview. Witnesses repeatedly cited INS' failure to adequately fund and manage its Records Division, where responsibility for file management and control lies, as the chronic weakness that impeded INS' ability to properly maintain and distribute its files. This weakness existed for many years before CUSA, and continued to affect processing during fiscal year 1996.

Managers throughout the Field, both within and outside the Records Division and in every Key City District, asserted that INS Records Division never had sufficient staff to accomplish their mission. In the Los Angeles, New York, Chicago, and Miami Districts, the reliance on temporary files at the

⁹ It should be noted that there is evidence that file policy became more rigorous between the time of former District Director Moyer's retirement and the end of CUSA. Apparently, local managers felt that without the former District Director's emphasis on completing outreach cases regardless of the location of the permanent file, they were free to "tighten up" on file procedures. However, temporary file use persisted when the pressure to complete cases was great. For example, in the summer of 1996, when there was pressure to ensure that a ceremony be filled to capacity, instructions were given to approve those cases that were only awaiting the arrival of the permanent file. This, and the OIG's interviews with local managers and DAOs, also contradict one Chicago manager's post-CUSA report to Headquarters that it only granted cases in temporary files in fewer "than 1/2 of one percent of its cases."

interview stage was attributed specifically to weaknesses within these districts' own Records Divisions, and not primarily to problems of intra-district file movement. In the San Francisco District, although no witness directly alleged that the weaknesses of its Records Division were responsible for the use of temporary files, witnesses there, too, noted that the records operations of INS were comparatively under-resourced. In addition, Headquarters witnesses also candidly stated that INS' records work had languished over the years as a result of institutional neglect and poor management.

a. In the Field

Records work in each of the various Key City Districts was performed pursuant to one of two different management structures. Neither structure could successfully cope with the impact of under-funded and under-staffed records units.

The traditional INS model placed the Records Division under the control of the ADD for Management, while naturalization fell under the ADD for Adjudications. Both ADDs reported to the Deputy District Director. Under such a model, the boundaries between the work of each division were reinforced by the management structure.

When Commissioner Meissner assumed leadership at INS and reorganized the management structure at Headquarters, some districts followed suit and moved their Records Divisions into the Adjudications chain-of-command. Although this model did not maintain the same institutional divide between the work of the two divisions and therefore represented a theoretically advantageous change, it nevertheless was unable to produce a discernible improvement in records functions before CUSA was launched in 1995.

In the Los Angeles and San Francisco Districts, the organizational structure before and during CUSA followed the traditional INS model of separation between records and adjudications. Records thus had responsibility for receiving applications for citizenship and for ordering A-files. After this stage, responsibility for file use lay with the adjudications divisions. The

tension that existed between the two divisions in the Los Angeles District illustrated the need for greater coordination between the two.¹⁰

In Los Angeles, after records personnel received the naturalization applications they forwarded them to the Naturalization Section of the Adjudications Division for processing. When the application went from Records to the Naturalization Section, it was placed in a temporary folder. The process called for the contents of the temporary folder to be moved to the A-file when the corresponding A-file arrived. According to this procedure, the temporary folder was only a way of maintaining applications in an organized fashion until the A-files could be located.

Given the district's inability to produce A-files in a timely manner, however, these folders were eventually used for the entire naturalization process. By late 1994, the Los Angeles Naturalization Section housed so many thousands of temporary files that its Section Chief referred to it as the "green" or "purple forest," a reference to the color of the folders used for temporary files to distinguish them from the brown, permanent A-files. District Director Rogers stated that when he arrived in 1994, he saw thousands of cases stored in temporary files. Rogers told the OIG that while he did not believe that a majority of citizenship cases were being processed using temporary files, he conceded that "it could have been that bad."¹¹

The source of the file problems in Los Angeles, according to Records, Adjudications, and Western Region staff, stemmed from the fact that the Los Angeles Records Division, like Records Divisions Service-wide, was a neglected and under-funded component of INS. This led to the Records Division's inability to keep up with the volume of file requests from the Adjudications Division and thus decreased the likelihood that an adjudicator would have the A-file at interview.

By itself, the inattention to records work would have undercut the availability of the A-file. In combination with the steadily escalating

¹⁰ In the San Francisco District, the need for greater coordination between the two divisions became apparent in the planning and execution of CUSA. See our discussion of transfers among CUSA sites within the San Francisco District, below.

¹¹ Rogers was referring to the "work folders" (non-permanent files without barcodes being used to house naturalization applications) he saw in the Los Angeles District's Naturalization Section.

workload, its adverse impact was magnified. As time went on, the problems compounded themselves. The Records Division housed so many files that it ran out of space on the shelves where files were traditionally kept in numerical order (by the three last digits of the A-number). Instead, it began storing files in crates, making them even more difficult to find. Then, in response to the space restrictions, Los Angeles began retiring A-files in greater numbers to the Federal Records Center, requiring more time for their eventual retrieval when the permanent resident applied for naturalization.¹² Adding to this delay was the District's failure to devote staff to matching the A-files with the temporary files when they arrived.

In addition to or perhaps because of these problems, the two divisions, Adjudications and Records, had difficulty working together. They struggled to define which division would have responsibility for various aspects of these clerical processes, forcing Western Region to hold meetings to negotiate the two divisions' differences.

The Adjudications Division management told the OIG that, in view of Adjudications' other responsibilities, it did not have adequate staff to devote to records-related work. From their perspective, if the Records Division was unable to provide them the A-files in time for the naturalization interview, they would proceed with their adjudication responsibilities using the alternative files.

In three other Key City Districts—New York, Miami, and Chicago—by 1995 the records program was organizationally located within the Adjudications or Examinations Division. In such a system, both Records and Naturalization were under the oversight of the same manager, the Assistant District Director for Adjudications (or Examinations). The evidence does not show, however, that by the time CUSA was implemented this difference in management structure resulted in a perceptible improvement in coordination between the work of the two divisions. Because Records Divisions in these

¹² Though retrieving a file from the Federal Records Center did add time to INS' file retrieval process, it rarely added as much time as was suggested by INS employees, who often blamed file delays on the FRC. When INS' Records Division looked at the matter in April 1996, they discovered that the FRC only required 3-5 days to find and send the file. The OIG investigation confirmed this at least insofar as the relationship between the Los Angeles District Office and the Laguna Niguel FRC was concerned. There, little delay was attributable to the FRC.

three cities continued to be seriously understaffed, much like in Los Angeles, the OIG found no indication that the managerial reorganization made any difference in their ability to get A-files to naturalization interviewers in time for the interviews.

In New York, the Deputy District Director, ADDE, DADDE, and the records supervisor all told the OIG that they had insufficient staff in the Records Section (the name of the records division or branch in New York) to keep up with all the file requests from within the New York District. The Deputy District Director characterized the Records Section as seriously “underfunded.” They emphasized that this was true both before and during CUSA.

The records staff in New York before CUSA as estimated at between 17 and 20 employees, including supervisors, in a district that was estimated by the Deputy District Director to control more than one and a half million files and to have responsibility for an additional one million files stored at the Federal Records Center. As a result, according to the ADDE, New York had “always interviewed applicants without [permanent] files.”

Similarly, the OIG was told that it was common in Miami to interview applicants using only a temporary file. This was true despite the local notoriety of the DADDN’s “strict” rules about making efforts to obtain the A-file before the naturalization ceremony; those rules had not ensured that the files arrived in time for interview.

Again, the evidence indicates that the reason for the failure was that the number of available records employees was dwarfed by the volume of file requests to which they had to respond. According to the Miami Assistant District Director for Management, prior to the records contract of 1996 the Records Division only had four clerks handling all the mail and records requests. The District Director recalled that, when he arrived in Miami in 1995, there were more than one million pieces of mail “stuck in boxes” waiting to be interfiled in A-files. He characterized his records staff as “withered,” and said that with the limited number of employees they had on board it was impossible for them to keep up with file requests. The District Director said that responses to his repeated requests to Region and Headquarters for additional staff were postponed in anticipation of a day when contract help would be provided. When contractor staff finally arrived during CUSA, he stated, Miami received an insufficient number of contractor employees. “It was a step in the right direction,” the District Director told OIG, “but it was a half step.”

Finally, when the Chicago District was formally reviewed by the Central Regional Office in March 1995 (as discussed in our previous chapter), its Records Division was considered well on its way toward losing control over the District's A-files. At that time, there were more than half a million A-files in the District Office and the number was growing by approximately 44,000 per year or nearly ten percent, in a district that, according to the regional review, was already "saturated" with files. The file unit was staffed by one supervisor, two full-time clerks, and a part-time student, but the supervisor was often detailed to other duties within the District. As a result, employees from outside the unit were often obliged to retrieve files themselves if they wanted them. Because of the limited staffing in the Records Division, interviewers were dependent on temporary files.

b. The view from Headquarters

Commissioner Meissner offered the strongest criticism of INS management of its records. She told the OIG that INS had "a long, long, long history of poor control and sloppiness and lack of resources and attention devoted to this most precious commodity of the institution, the alien record." Other INS Headquarters managers similarly pointed to the historical understaffing of the Records Division. Even at its greatest staffing level, they noted, it did not have sufficient personnel to meet the demand for file maintenance and movement. Although one high-level INS manager suggested that some blame for this understaffing should be assigned to Congress because of its reluctance during budget negotiations to support such positions, the evidence instead suggests that INS, over the years, did not sufficiently emphasize the importance of this issue.

Records work was regarded within INS as having been a weak link for many years. The fact that this weakness was so well known and yet never adequately addressed was at the heart of INS' strongest indictment of its own management. Again, in Commissioner Meissner's words, INS' failure over the years to strengthen its Records Division showed that the institution lacked "discipline" and "rigor" in its decision-making.

The evidence indicates that it was widely understood that INS' records capabilities were in serious disrepair long before CUSA. It also was clearly understood that, as a result of this disrepair, A-files were regularly unavailable for naturalization interviews. Even before INS launched its largest naturalization program in history, its managers' recitation of the creed that the

A-file was of paramount importance to processing integrity was sounding hollow. Further, because no suitable alternative to the permanent record existed that would give the interviewer comparable background on the applicant, it is clear that naturalization processing before CUSA was already at greater risk than it would have been had INS breathed life into its oft-stated principle about the importance of the A-file.

Commissioner Meissner told the OIG that the problems with INS' record-keeping practices were so entrenched and so large that, until they could be permanently solved with a fully automated record-keeping system, INS attempted to do the best it could with limited tools.¹³ In her characterization, INS developed temporary files as a "coping mechanism" in order to continue with its work despite the record-keeping deficiencies. She contended that the coping mechanism itself became so firmly established that INS came to rely on it, and, over the years, was lulled into believing that it sufficed.

The Commissioner's view is in large part corroborated by the evidence gathered as a result of the OIG investigation. The evidence also shows, however, that the file policy in place before CUSA was so clearly deficient, and even its minimal requirements so inconsistently followed, that the implementation of a program like CUSA without making significant modifications was another reflection of the focus by CUSA project managers on production at the expense of integrity concerns.

D. A-file policy and practices during CUSA

Numerous senior INS Headquarters officials acknowledged long-standing weaknesses in INS file practices as they related to naturalization. Several of those managers, however, including Deputy Commissioner Sale, Associate Commissioner Crocetti, and Assistant Commissioner Aytes, consistent with their own views that the A-file had remained an important aspect of naturalization adjudication, suggested that the error made by INS Headquarters in approaching CUSA was in not knowing the extent of the

¹³ A recurrent theme in witness interviews was that the A-file could one day be replaced by a completely electronic file. Indeed, witnesses said that in the future INS, like other government agencies, will move away from any reliance on "paper" records. Given that view of the future, regardless how remote, the OIG found little incentive within INS to dedicate resources to the shoring up of a paper-based system that one day might be eliminated.

problem rather than proceeding with a program in spite of known system weaknesses.¹⁴ Although the sincerity of these statements by these particular managers is not questioned, the record shows that they were mistaken. The evidence reveals that Headquarters officials *should* have known of the weaknesses in file practices in the Field, because any oversight of their districts would have so informed them.

As early as 1988, INS Headquarters was advised of the inherent danger in its reliance on temporary files in adjudicating naturalization cases. That year, the Office of Professional Responsibility (OPR) in the Office of the Commissioner reported in detail in a “Management Integrity Report” about a criminal case concerning fraudulent applications for naturalization. OPR found that the opportunity for the crime to be committed was attributable, in part, to the San Diego District’s reliance on temporary files. The report, like all other such reports, was widely disseminated throughout INS to all division heads and District Directors.

Managers in the Eastern and Western Regions informed INS Headquarters of their regions’ reliance on temporary naturalization files on the eve of CUSA. For example, in early 1995 when Field Operations was surveying the Field concerning the possibility of waiving naturalization interviews for certain applicants (discussed in “Interviews and Adjudications,” above), Assistant Eastern Regional Director Lani Camilli told Andrea Quarantillo, Director of the Services Branch of Headquarters’ Field Operations, that the theory that interviews could be waived was dependent on the premise that INS records were sufficient to evaluate an applicant’s eligibility. This underlying notion, Camilli pointed out, mistakenly assumed that the A-files were available and adequately reviewed.

Camilli criticized the notion of waiving interviews, in part because she said “the review of statutory eligibility, such as age, residence, physical presence, and good moral character” could not be “exclusively established through the use of record checks” and, in part, because “many cases” were being “approved with temporary files.” She went on to assert that “it is

¹⁴ As noted below, the Commissioner was not of the view that Headquarters simply was not aware of the scope of the problem. In her assessment, Headquarters was aware of the scope, but considered its scale so significant that its resolution required a “very long term” effort. In the meantime, it was INS’ view, as the Commissioner stated, that “we have got to live with the A-file as we know it.”

dangerous to assume that applicants answer the entire N-400 truthfully. Casual omissions of periods of travel outside the U.S., or an arrest that hasn't come to trial, affect eligibility," and, in part because of the lack of sufficient records, "would go undetected on the application without direct dialogue with an Immigration Officer."

Western Regional Managers conveyed the same information to Headquarters about the widespread use of temporary files. The first project designed to get Los Angeles' caseload under control—the "close-out" project at Los Angeles' Bell facility—was predicated on the fact that Los Angeles had drifted a long way from including permanent file review as a prerequisite for naturalization.

The close-out project was the response by the Los Angeles District and Western Region to Headquarters' concern that Los Angeles could not accurately report its pending naturalization caseload for two reasons. First, Los Angeles had hundreds of thousands of cases awaiting initial data-entry. Second, 236,000 post-naturalization cases were inaccurately reflected in the nationwide naturalization database as "pending" cases. The latter group was applicants who had already naturalized but whose cases required additional action by the district before the record could be retired to the Federal Records Center (FRC).

Ordinarily, any case needing close-out had to be reviewed to ensure that the file contained documents proving that the applicant had been present at the naturalization ceremony and had filled out the "N-445," a form used at ceremonies to ensure that the applicant's eligibility had not changed since the date of the interview. The case then had to be closed out in NACS before the file was retired to the FRC. As reported to INS Headquarters, however, of these 236,000 pending cases 70,000 still needed their A-files to be *requested* and 125,000 required the matching of an N-400 and its appropriate file. In other words, not only had permanent files not been used at the interview stage, they also clearly not been reviewed before the naturalization ceremony in more than half of the cases awaiting final processing in Los Angeles. Moreover, in many thousands of cases the A-file had not even been *sought* by the time of the ceremony. Consequently, even Headquarters officials with only a superficial understanding of the Bell close-out project should have realized just how far Los Angeles had departed from any consistent reliance on A-files.

Indeed, the widespread reliance on temporary files within INS was not a closely held secret:

- The participants at the July 1995 backlog reduction meeting in Washington, D.C., were all aware of it. The meetings were facilitated by a Field Operations staff member who, until three months before, had been the DADDA in Los Angeles. Of the six attendees from the Field, two were Western Region managers who had been struggling with the Los Angeles records problem discussed above and the third was Los Angeles ADDA Arellano.
- According to Arellano, she specifically asked whether Los Angeles' policy of adjudicating cases on temporary files was consistent with INS policy. Headquarters assured her, she told the OIG, that the practice was appropriate.¹⁵ Although others at the meeting did not remember hearing the matter addressed so squarely, Arellano's recollection is consistent with what others at the meeting reported was the primary topic of conversation—how the districts could process cases as they had been doing, only faster.
- Before he left Headquarters to become CUSA's Los Angeles site manager in September 1995, Terrance O'Reilly was warned of the District's reliance on temporary files, clearly indicating that CUSA planners were aware of Los Angeles' practices prior to the initiation of CUSA.
- Finally, in March 1996, Pearl Chang—the Acting Naturalization Branch Chief and original drafter of the "Naturalization Process Changes" memorandum discussed in our previous chapter—suggested to the New York District that it follow Los Angeles' lead and adopt a policy of using temporary files after only a 60-day search for the permanent file instead of the 6-month time period required by "an old policy memo."

The evidence reveals that it was not that CUSA project managers were unaware of the state of file use in the Field. Instead, we found that CUSA managers viewed these problems as long-standing and significant, but "unfixable" in the time available before CUSA began. Commissioner Meissner told the OIG that because "files [were] known to be such a long-

¹⁵ Arellano told the OIG that she believed that it was Associate Commissioner Crocetti or Assistant Commissioner Michael Aytes who "blessed" the criteria but she was not certain.

standing, fundamental deficiency in the agency,” she doubted that anyone would have made the effort, before launching CUSA, to determine the extent to which the new program might further exacerbate the problem. Instead, “the assumption was this . . . we have been doing it this way for years and years and years, and things need to improve. But . . . we are not going to create an entirely new system in a flash, and so we will do the best we can with what we have.”

Our investigation corroborated Commissioner Meissner’s assessment of the condition of INS’ file systems before the implementation of CUSA. However, the file-related weaknesses that occurred during CUSA were not just the “same old problems” in the context of a larger number of cases. Instead, aspects of CUSA worked to make an already weak system even weaker, further diminishing the chance that adjudicators would receive A-files in a timely fashion. INS’ failure to adequately shore up its records staff before CUSA, despite the obvious burdens that would be placed on it by massive data-entry projects, a huge influx of new adjudicators and thus additional interviews, and multiple new interview and adjudication sites, increased the extent of adjudicators’ reliance on temporary files. Furthermore, the implementation of CUSA-style Direct Mail for N-400s also resulted in increased reliance on temporary files. Finally, in May 1996, INS officially changed its file policy for the first time in 16 years, shortening the time period required for the “diligent search” from six months to 30 days. Although the effect of this policy change was largely blunted by the fact that it was not adequately communicated to the field, its underlying message had already taken hold: CUSA would meet its production goals regardless of the availability of the tools needed to conduct quality adjudications.¹⁶

1. CUSA records staffing and planning

Deputy Commissioner Chris Sale told the OIG that she had already heard from the District Directors before CUSA that they were having difficulty with

¹⁶ There is evidence that INS conducted a survey of the Field in late 1996 in order to advise Congress of the extent of INS reliance on post-auditing procedures, and thus on the frequency of temporary file use at the time of the naturalization interview. Although the OIG was provided with documents showing that the survey had been undertaken, the results were not provided in response to OIG’s document request. When asked by the OIG for the results, the original INS surveyor did not recall what she had done with the answers she had received.

records and file maintenance. She recalled that the initial plans for backlog reduction were to “pour all this money into adjudicators and put no money into its records divisions, which is really where the vulnerability exist[ed].” She said that she insisted that the reprogramming request to fund new positions for backlog reduction include records positions.

Even in its initial planning stages, INS officials contemplated that the CUSA initiative would more than double the number of naturalization interviews that would be scheduled and would significantly expand the number of offices at which interviews would take place. The creation of new offices necessarily meant an even greater test of INS’ ability to transfer files from one place to another within a district, and such work required records staff.

INS did cite an anticipated increase in records work in its first reprogramming request to Congress in the spring of 1995.¹⁷ The request outlined a plan to add 14 records positions to New York and 17 to San Francisco, and to enter into a national records contract to address the calls for additional assistance from the Los Angeles, Miami, and Chicago Districts. In anticipation of that records contract, neither Los Angeles nor Miami (representing 23 percent of INS’ total adjudications workload) received any records positions as part of the May 1995 reprogramming; Chicago received only two new positions.

It is outside the scope of this report to assess INS’ decision to meet its records needs through contract support rather than through permanent staff. Whether permanent staff or contractor staff, however, clearly no contribution could be made if employees were not brought on board in a timely fashion. Although CUSA was launched in August 1995, the national records contract was not signed until October 27, 1995, and the contractor employees did not begin to come on board until February 1996 in Miami and March 1996 in Los Angeles. Neither Los Angeles nor Miami received its full complement of contractor employees until May. Meanwhile, before any significant bolstering of these districts’ records staffs had taken place, all of the requests for files in cases that would be adjudicated through July 1996 had already been made and the transition to Direct Mail begun.

¹⁷ As discussed elsewhere in this report, INS submitted its first reprogramming request in April 1995, and Congress approved it in June. We refer to this as the “June reprogramming.”

Furthermore, in addition to assigning additional employees to records functions, INS needed far greater integration of records-related concerns into its program planning. Managers needed to consider the impact of new strategies and initiatives on INS' ability to use the A-file in the naturalization interview. The evidence, however, indicates that records concerns were rarely integrated in CUSA strategies. As David Rosenberg told the OIG, he and other CUSA planners focused only on the fact that there were insufficient resources in records and they did not involve themselves in "records policy."

Two CUSA strategies discussed below—the NDEC project and the expansion to multiple interview sites—like the transition to Direct Mail for N-400s (discussed below), revealed the problems that resulted from implementing these programs without sufficient attention to their ramifications on INS' ability to get the A-file to the adjudicators in time for the naturalization interview.

a. NDEC and its impact on file availability in Los Angeles and Miami

In our overview of CUSA, we described INS' project at the Naturalization Data Entry Center (NDEC) in Laguna Niguel, California. It was undertaken to rapidly clear the frontlog of naturalization applications that had built up, primarily at the Los Angeles District Office. At NDEC, contractor staff succeeded in data-entering 220,000 Los Angeles naturalization applications in one month, and soon after data-entered another 50,000 from the Miami District. In less than six weeks, INS had cleared application frontlogs that had developed over more than a year.

The description of the contractor employees' work at NDEC was deceptively simple. They were to take information from the N-400 and enter it into the computer. Once data-entry was completed, the contractor employees stripped the fingerprint cards from the data-entered applications. The process this data-entry set in motion, however, was complex. The data-entry process influenced several subsequent clerical steps, in particular the ordering and transferring of the applicant's A-file. In CUSA project managers' rush to get these applications data-entered and thus available for interview scheduling, they paid little attention to the ramifications of this data-entry project on the availability of A-files to naturalization adjudicators.

Contractor employees entered information into stand-alone computers at NDEC. All of the information would later be uploaded into NACS and then

NACS, through its interface with CIS, would generate a request for the applicant's file if the file was outside the district. This request would be delivered, via computer, to the office listed as controlling the file, and records staff there would have to respond to the request by locating the file and sending it to the requesting party. All files located in districts outside of Los Angeles would be ordered to be sent to the records room of the Los Angeles District Office.

For files within the district or at the Federal Records Center, NACS would generate a printed list of requested files that records employees would use to locate the files and send them to the requesting party. Thus, if the file was located within the Los Angeles District Office's control (including at the Federal Records Center in Laguna Niguel), the file request would not be automated but rather was an entry on a printed list of files.

First-line supervision of the NDEC project was assigned to Supervisory Naturalization Clerk Ygnacio Rosete, then a clerical supervisor of the Los Angeles Adjudications Division sent to Laguna Niguel on detail.¹⁸ Site coordinator O'Reilly and Los Angeles Naturalization Section Chief Donald Neufeld were Rosete's superiors, but they left the management of the project to Rosete. Rosete thus had primary responsibility for supervising the work of 62 contractor employees who were unfamiliar with INS processes. Rosete himself, though a veteran INS employee, was unfamiliar with the new computer system used for NDEC. Rosete told the OIG that he received 30 minutes of training on the new computer system before having to supervise the 62 contractor employees using the system for data-entry.

(1) Impact of NDEC on Los Angeles cases

After contractor employees at NDEC data-entered the N-400 applications into the system, Adjudications staff delivered to the Records Division—all at once—a request for 170,000 A-files.¹⁹ Such a request, which equated to a year's worth of file requests, would have been a jarring demand upon any records staff, but it was particularly overwhelming to a records staff that had not grown from its pre-NDEC size of 31 and that continued to have file

¹⁸ Rosete was a GS-9 permanent employee of the Los Angeles District.

¹⁹ We infer that this was the number of cases that were either located in the District or at the FRC and thus not ones requested by the automated system.

responsibilities in conjunction with other INS programs. Not surprisingly, the records staff was immediately backlogged in file requests.

The situation in the Records Division in Los Angeles did not materially change until the California Service Center (CSC) assumed control over ordering files related to applications received through Direct Mail, and additional staff hired under the national records contract arrived between March and May 1996. By then, however, many cases had gone to interview using temporary files even before the A-file had been ordered. As late as November 1996, the CSC was still receiving permanent A-files from the FRC for applicants whose corresponding temporary files had “long ago” gone out to naturalization interview sites and whose naturalization application already had been adjudicated.

(2) Impact of NDEC on Miami cases

NDEC’s effect on files in the Miami District offers an illuminating example of the unintended but negative consequences that resulted from INS’ emphasis on accelerated naturalization processing without due consideration for its impact. Although the bulk of the applications handled at NDEC were Los Angeles cases, 50,000 Miami applications were also data-entered at NDEC. The result of sending the Miami cases to NDEC was the naturalization of thousands of cases on the basis of temporary files. For these cases, it was not so much the absence of records staff as the absence of coordinated records planning by CUSA project managers that created the problem. The result of this planning failure was that permanent files were actually sent *away* from the District where the corresponding applications would be adjudicated.

At a September 19, 1995, meeting in Miami, CUSA project managers informed the Miami District officials that NDEC, which was already well on its way toward completing the Los Angeles frontlogged cases, would be used to clear Miami’s frontlog as well. Although planning documents referred to 65,000 such cases, reports of data-entry completions show that approximately 50,000 Miami applications were data-entered at Laguna Niguel in October 1995.

Once the applications were data-entered, the original applications were shipped back to the Miami District in late October 1995. Unfortunately, while the applications were being transferred back to Miami, the related A-files were moving in the opposite direction. Project planners had failed to account for the fact that, by data-entering naturalization cases in the computer system in Los

Angeles, the system's automated file request function would order the A-file to be sent to Los Angeles instead of to the Miami District. The system functioned with the assumption that since the case was being data-entered at NDEC, the file transfer request should necessarily be to the Los Angeles District. NDEC employees working on the data systems did not discover this problem until all of the Miami cases had been entered and the automatic file requests made.

No one advised the Miami Records Division staff that the sudden and large number of file transfer requests from the Los Angeles District Office were, in fact, cases that were supposed to be adjudicated in Miami. Therefore, as the Miami N-400s were en route back to the Miami District from Laguna Niguel, Miami was boxing up tens of thousands of its A-files and sending them to Los Angeles.

The Miami records manager told the OIG that she was not informed that the files had been requested in error and did not independently question why files were being sent to California. When asked why she did not question the shipment of so many files, she explained that because she had never been told how the process was supposed to work, she therefore had no reason to believe that something was wrong. In addition, she added, it was not her responsibility because it was naturalization rather than a records project. She simply assumed that managers of the naturalization program were properly directing the project.

Unfortunately, the naturalization manager told the OIG that she had not been aware that there was a massive number of file transfer requests to Los Angeles or that the files had actually been sent. Because the transfer of files was a records function, she explained, she would not ordinarily be informed of such an occurrence.

Although the permanent files were systematically removed from the District and sent to Los Angeles, the cases nevertheless proceeded to interview in Miami as if nothing out of the ordinary had occurred. As a result, thousands of cases data-entered in Laguna Niguel were therefore approved in Miami on the basis of only a temporary file, and the corresponding A-files were not returned before the applicant's naturalization. The Miami District employees made no record of the A-numbers of applications shipped to Los Angeles. NDEC employees made no record of the actually data-entered cases there, and

there was no systematic retrieval of the A-files mistakenly routed to Los Angeles.²⁰

Even after these cases were completed, the consequences of these mistakes continued to resonate in both districts. When a Miami case was closed out on the basis of a temporary file, the Records Division's practice was to remove the contents of the file and ship it to the office controlling the A-file. Accordingly, the contents of these Miami temporary folders—cases that had been data-entered in California but adjudicated in Miami—were removed by Miami records staff and shipped to Los Angeles.

If there were INS offices capable of interfiling and retiring an unanticipated deluge of loose naturalization material, Los Angeles' Records Division, in its understaffed and chaotic state, was not one of them. The material was forwarded to the Los Angeles District's Adjudications Division, and ultimately assigned to Rosete (who had resumed his post in Los Angeles). Rosete's attempt to explain the situation in an e-mail to his supervisor captures the counter-productive migration of files and related materials caused by using NDEC to enter Miami applications:

The [NDEC] at Laguna Niguel had made some large mistakes. One mistake was its ability to generate requests for visa files. It would generate these visa requests based on an N-400 entry. Unfortunately, a large number of visa files belonging to Miami cases were sent to Laguna Niguel. The Laguna Niguel office sent these visa files to El Monte. The El Monte [staff] could not store all of these files, and therefore had these files sent to Bell [the close-out unit]. As a result of this, the Bell office receives stacks of naturalized cases from the Miami office. The Miami Office is sending all of their naturalized cases, naturalized on a temporary file[,] to the Bell office. This

²⁰ We previously noted that the Miami District enforced a local policy requiring A-file review before naturalization. The confusion resulting from the data-entry of Miami cases at NDEC and the resulting increase in temporary files, however, altered this practice. The DADDN (with approval from her supervisors) permitted adjudicators to finally approve cases that had been data-entered at NDEC even if only the temporary file was available in Miami. Although the Miami District did not keep a list of the applications that had been sent to NDEC for data-entry, the adjudicator could recognize such cases because of a Los Angeles District stamp placed on the N-400.

is a common practice when we are in possession of the visa file. Unfortunately, the Miami office is shipping these adjudicated/naturalized cases by themselves . . . no temporary or work folder.

As it turned out, the file materials had still not come to rest. After Rosete's message, he was instructed by DADDA that Adjudications could not take on such records-related work and was directed to return any material relating to Miami files to the Los Angeles Records Division.²¹

b. The effects of multiple sites

Although its impact was substantial, the failure by CUSA managers to anticipate and address NDEC's effect on the availability of permanent files for adjudication involved a singular aspect of the CUSA initiative that implicated only two districts. CUSA also contemplated, however, a broader change that would affect every Key City throughout the entire initiative—the opening of multiple new naturalization offices. In every instance, the new office was located in a building different from the district's main records room. Moving files from a district's main file room to these new sites required additional time and effort.

As discussed above, even before CUSA the Key City Districts had difficulty getting A-files to interviewers within the same district in time for the interview. This was true even though the interviews took place in the same building as each district's main file room. A combination of too few staff, too many files, too large a geographic area, and the lack of file-tracking resources contributed to the intra-district file movement problems. As an illustration of how time consuming intra-district file movement was even before CUSA, records staff at Headquarters noted, in an internal document relating to the transition to Direct Mail, that a file requested by the Chicago District from the Federal Records Center might arrive in one week, but it could take an additional *two months* for the file to get to the person who requested it within

²¹ The OIG was unable to determine the number of Miami cases data-entered at NDEC that were subsequently adjudicated on the basis of a temporary file. As noted previously, INS did not keep a record of the cases data-entered at NDEC. Even if this information were available, INS did not record in NACS or CIS whether cases were adjudicated on the basis of a temporary file.

the District Office. When multiple, new interview sites were added to the mix, file movement became that much more complex and time consuming.

There is no evidence, however, to indicate that CUSA project managers considered the impact that the proliferation of sites would have on INS' ability to get A-files to the adjudicators. As discussed above, no efforts were made to ensure that additional records staff were on board before large numbers of files were requested and new sites were opened. In November 1995, the same month that David Rosenberg was in San Francisco urging the swift opening of new interview sites (during a tour of the Key City Districts with GSA representatives), records staff was just beginning to ask questions about how to "analyze records process," including file movement in the five Key City Districts. Out of concern for how files "might be lost in large volumes if they were moved from office to office," one Headquarters records staff member suggested that the Records Division obtain "a written proposal" from CUSA planners about the movement of files that CUSA would involve.

There is no evidence that a written proposal addressing file transfer procedures was prepared until Direct Mail was already well under way, despite the risks the new strategy would pose of compounding the pre-existing problems. In May 1996, when an unrelated INS project team (of INS and contractor employees) visited several Key City sites, they noted that the movement of files was both "risky and time consuming." Nevertheless, as described below, there is little evidence that any manager seriously considered the impact the new sites and new volume would have on A-file availability.

(1) The first CUSA site: Laguna Niguel naturalization

The first new CUSA site to open was the Laguna Niguel naturalization office. Housed in the same large building as NDEC and the California Service Center, it was a satellite office of the Los Angeles District. Laguna Niguel opened for interviews in the second week of October 1995, not long after NDEC had completed the data-entry of the frontlogged Los Angeles cases.

Like other sites under the auspices of the Los Angeles District Office, Laguna Niguel Naturalization depended on the Los Angeles Records Division to provide it with A-files for naturalization interviews. In Los Angeles, however, as a result of the recent data-entry effort, the Records Division was grappling with a newly received request for 170,000 A-files, some of which were still housed at the Federal Records Center. Under these circumstances, it was essentially impossible to get A-files to the Laguna Niguel interviewers in a

timely fashion in the first few months that Laguna was open for business. Thus, interviewers used the temporary files that had been created when the backlogged cases were data-entered at NDEC.²²

Few managers were bothered by the Laguna site's dependence on non-permanent files. Los Angeles CUSA site coordinator O'Reilly viewed the A-file policy as liberally as his colleagues. He told the OIG that while he knew that there was a "diligent search" policy that obligated the districts to try to find the files, in his view that policy merely required the district to request the file. If the A-file failed to arrive by the date of the scheduled interview, the district could use a temporary file to adjudicate the case.

Indeed, Los Angeles managers, already well accustomed to relying on temporary files, were not only comfortable with the Laguna Niguel practice but discouraged efforts to change it. When detailees from other INS offices were assigned to adjudicate cases in Laguna Niguel during the first months of CUSA and wanted to review the A-files, Los Angeles managers instructed them that they had to justify continuing cases simply because they sought to review the file.²³ According to their supervisor, Laguna Niguel detailees repeatedly expressed their concern about conducting interviews without the permanent file. The supervisor, who was on detail from Headquarters, relayed that concern in a memorandum to Thomas Cook, Acting Deputy Assistant Commissioner for Benefits, upon his return to Washington in early 1996, a memorandum that was also provided to David Rosenberg. According to the supervisor, no one at Headquarters expressed any interest in the problem. The OIG could find no other indication that either Cook or Rosenberg was concerned about or responded to the memorandum.

²² Mostly as a result of NDEC, the Los Angeles Records Division reported creating approximately 200,000 temporary files during CUSA.

²³ The memorandum did not prohibit such continuances, but it implied that A-file review was not necessary in every case. It stated: "A case may be approved on a T folder or Work Folder unless there is a need for a review of the applicant's A-file. If a case is continued for this reason, the officer should make note on the I-468 of his concerns as to *why the case could not be granted* [emphasis added] and what is needed from review of the A-file."

(2) Transfers among district offices, sub-offices, and CUSA sites: the example of San Francisco

The experience of the San Francisco District provides a particularly useful illustration of the impact that the proliferation of sites had on INS' ability to transfer and manage its files. San Francisco was unique in that it was the only Key City District that did not participate in Direct Mail for N-400s during fiscal year 1996. As discussed below, San Francisco managers were concerned that Direct Mail would result in the district's loss of control over its files. By not participating in Direct Mail, its file transfer successes and failures during 1996 are wholly separable, unlike those of other Key City Districts, from effects attributable to the change in service center operations.

In addition, the composition of the San Francisco District (a main office, three sub-offices, and three satellite offices)²⁴ served as a microcosm of the kind of file-transferring activity that occurred on a larger scale nationwide. These characteristics permit an understanding of the impact that site proliferation could have on file availability, even in a district where the commitment to using permanent files was relatively strong.

In the San Francisco District, geography, site choices, and the inter-relationship of the file control offices within the district made it more difficult for the smaller CUSA sites to obtain files and have them available for interviews. For the CUSA satellite sites in the Sub-office cities of Fresno and San Jose to receive an A-file from within the district, the files (whether housed in the main records room or at the Federal Records Center) would have to go from San Francisco and then, before arriving at the CUSA office, through the main Sub-office in the city where the satellite office was located. If the file was outside the district, it would be sent first to the San Francisco records room, then the Sub-office records room, and finally on to the CUSA site. In contrast, interviews conducted at the San Francisco District Office—site of the district's main file room—generally had A-files available more often than did the Sub-offices.

²⁴ During CUSA, the San Francisco District was composed of the San Francisco District Office, and Sub-offices in Sacramento, San Jose, and Fresno, California. Three satellite or "CUSA" offices were also opened. The San Francisco Office had a satellite office in Oakland. The Fresno and San Jose Sub-offices each also had satellite CUSA offices.

Witnesses at the satellite CUSA offices, particularly Fresno and San Jose, consistently indicated a significantly greater reliance on temporary files at interview than did their counterparts at the San Francisco District Office.²⁵ Officers at the San Jose and Oakland CUSA sites told the OIG that they failed to receive A-files in a timely fashion because no one at the District Office records room would check to determine if the A-file they had received was needed at another site. Bruce Snider, the Assistant District Director for Management (ADDM), corroborated this belief, although he suggested that the problem occurred only occasionally when there was a shortage of records staff. According to the ADDM, this happened most often when files arrived at the District's Records Division without a routing slip, and the staff would have to check the computer to identify who the requester was. When they were short on staff they did not always check, and would instead assume that the file was supposed to go to the main file shelf.

The San Jose CUSA site was particularly beset by difficulties in obtaining A-files in time for applicant interviews. The location chosen for the CUSA office did not have adequate storage space for files. Files were therefore stored in the file room at the San Jose Sub-office until shortly before the scheduled date of the interview. If the A-file could not be located within the short period between the request and the interview date, and often it was not, the clerks would send a temporary file²⁶ to the CUSA office. The DAO would conduct the interview with it, and then continue the case for the A-file, leaving the temporary file in a room at the CUSA office. During his interview with OIG, Richard Brown, the Acting OIC in San Jose during CUSA, acknowledged that the movement of files between the San Jose Sub-office and the CUSA office had been a significant problem in 1996.²⁷

²⁵ In the San Francisco main office, estimates were consistently 10 percent or less; in the sub-offices, estimates were 2-5 times higher.

²⁶ These files were actually "workfolders" because they were not barcoded.

²⁷ The large number of temporary files in use also considerably weakened "post-audit" procedures in San Jose. As pressure mounted to fill the large September 1996 ceremony with applicants, San Jose undertook a review project for files that had been continued for post-auditing to see if they were "grantable." The OIG's review of a selection of these cases corroborated the view of one San Jose DAO, who quipped that they were post-auditing workfolders when the A-files were just one mile away at the main San Jose Sub-office.

Ironically, the managers who had the foresight to resist Direct Mail because of the file transfer problems it would create in a district whose reputation for insisting on using A-files was known throughout the Western Region failed to adequately plan intra-district. File availability in the district was also undercut by a lack of coordination between Records and Adjudications.

David Still, the ADDA responsible for the adjudications program throughout the district and who helped to choose the CUSA sites, believed that his site-planning role was limited to locating and obtaining physical space. In his view, his responsibilities did not include planning how those sites were going to get their files. As Still explained, he did not believe that file maintenance was an Adjudications program “thing” and therefore didn’t feel responsible for it. He did not know what planning, if any, anyone else did to get files from office to office. Although he was the naturalization program manager, and file movement was critical to the naturalization adjudication process, Still believed that those issues were the responsibility of the Officers-in-Charge (OICs) of the sub-offices, in conjunction with the Assistant District Director for Management. However, he acknowledged that the ADDM had not even been included in the routine conference calls relating to CUSA, and the ADDA did not meet regularly with the ADDM.

ADDM Snider confirmed that the San Jose CUSA office did, in fact, have a file storage problem. He felt, however, that it was the responsibility of the Adjudications branch to ensure that the satellite CUSA sites had adequate storage space.

Thus, neither of the Divisions in a position to ameliorate the situation believed that it was its responsibility to do so, a local failure that mirrored a national systemic weakness. This shortcoming, combined with the failure of national managers to encourage Records Division planning and troubleshooting, allowed such critical issues to fall between the cracks during the rush toward meeting the CUSA production deadline.

2. The impact of Direct Mail

As discussed above, the ambitious NDEC project and the expansion of naturalization interview sites had been planned without adequate consideration of the ramifications each would have on the availability of applicants’ files at naturalization interviews. Similarly, INS implemented Direct Mail without properly accounting for its adverse effects on the availability of files.

Although Direct Mail for N-400s had been under consideration by INS for many years before CUSA, it had never been tested before its implementation during fiscal year 1996. Unfortunately, the lengthy delay in its implementation was not attributable to in-depth analyses of its final form and potential impact. Only three months before the implementation of Direct Mail for N-400s at INS' four service centers, the fundamental vision of the service center's role in the processing of the naturalization application was changed. The service center was transformed from the entity responsible for receiving and initially processing the naturalization application to an entity that was also responsible for locating the applicant's A-file and maintaining it until the time of the interview.

As originally envisioned under Direct Mail, the service centers would receive N-400s and either obtain the applicant's file from wherever it was housed (e.g., the Federal Records Center) or create a simple "receipt" file for the N-400. The service center would complete the preliminary processing steps, like receiving the fee and entering the application data, but it would then send the application on to the district office for all subsequent action. Thus, the service centers would not "house" the file, but rather would be a "way station" for the application en route to the district office.

Immediately before CUSA began, however, for reasons discussed below, the structure was changed to make the service center the party that actually had responsibility for obtaining and holding the file until the time the district office scheduled the naturalization interview.

This simple-sounding change had dramatic ramifications on INS' ability to get permanent files to adjudicators in time for either the interview or the final naturalization ceremony. That ability was highly dependent on automated systems to ensure the transferring of files to and from district offices. Our investigation has revealed that INS' automated systems were not up to the task, as discussed in our overview chapter. In addition, cooperation and communication between the service centers and the district offices were crucial to this effort, yet we found that neither entity had much time to prepare itself for the transition. These vulnerabilities were noted in 1996 by INS' computer contractor (EDS) when it attempted to develop an understanding of the naturalization process as the first step in the anticipated CLAIMS reengineering effort. In a July 1996 report to INS, EDS observed that, during the short period of time between when the decision was made to move forward with Direct Mail and when implementation began, "planning focused on

meeting the immediate challenges of receipting applications and data-entering them, with little planning spent on the coordination required to move the applications from the Service Center to the District Office.”

The story of the implementation of Direct Mail, therefore, provides another example of the way in which the focus on CUSA’s production priorities overshadowed INS’ commitment to the principle that the A-file was an important component of the naturalization interview.

a. The origins of the file-movement theory of Direct Mail

Although Direct Mail was intended for all the Key Cities, it was tailored to meet the needs of only one. The Direct Mail design ultimately implemented was not based on characteristics common to all districts and service centers, but on the unique relationship between the California Service Center and the Los Angeles District Office. As a result, in the other districts, the advent of Direct Mail produced significantly increased movement of A-files and decreased file availability. Even Los Angeles, the district for which it was designed, did not experience an improvement in the availability of permanent A-files at the naturalization interview in the months following the implementation of Direct Mail.

As discussed above, the NDEC project—the data-entry of all the frontlogged Los Angeles cases—had been undertaken in the same federal facility in Laguna Niguel, California, that housed the California Service Center. Los Angeles CUSA site coordinator O’Reilly soon realized that NDEC’s presence at Laguna Niguel gave NDEC several distinct advantages over the Los Angeles records room.

First, it was in the same facility as the old Los Angeles legalization office which housed many of the district’s permanent files that had been used in legalization adjudications. These files would be needed for naturalization proceedings if those residents applied for citizenship. In addition, the building housed the Federal Records Center to which Los Angeles had been retiring its files. Given these circumstances, O’Reilly believed that NDEC could have greater access to A-files than the conventional records room. Accordingly, he began to collect the A-files relating to the data-entered applications in Laguna Niguel.

At the same time, O’Reilly realized that when the NDEC project ended he ran the risk of no longer having sufficient data-entry staff for the incoming

Los Angeles applications. Once the NDEC contractor employees were let go, responsibility for data-entry would revert to the Los Angeles staff. O'Reilly believed that such a transition would again create a frontlog of cases because he estimated that Los Angeles continued to receive N-400 cases at a rate of approximately 1,000 per day. A frontlog of this magnitude would prevent O'Reilly from reaching CUSA's goal of "currency" by September 1996. Knowing that the implementation of Direct Mail for naturalization had been under consideration for some time, however, O'Reilly decided that if it was implemented quickly he could keep the data-entry machinery in place in Laguna Niguel until the service center assumed responsibility for the incoming applications.

This combination of factors led O'Reilly not only to encourage the implementation of Direct Mail, a step which the Commissioner had promised when she introduced CUSA in August 1995, but also to propose a program that put control of the naturalization files, from the time of application until the time of the interview, in the hands of the service centers. He made his "sales pitch," and Associate Commissioner Crocetti, Rosenberg, and the Service Center Directors agreed. His proposal was accepted by the Service Center Directors at a meeting in Dallas, Texas, in November 1995. Under the plan, the service centers would take responsibility for all of the preliminary processing associated with the application, for ordering the file, and for maintaining the file until it was needed for interview.

For the Los Angeles CUSA project, this approach seemed ideal. It would capitalize on the service centers' ability to undertake efficient processing on a large scale, traditionally cited as an advantage that service center processing had over work in the district offices. In addition, it was seen as relieving one burdened district office of many clerical tasks.

In addition, O'Reilly viewed this approach as promising greater success at file control in a district not known for its success at getting files to interviews. Locating NDEC, the CSC, the former legalization office, the Federal Records Center, and one of the new CUSA interview sites at the same location permitted files to be collected in one place. Furthermore, because the CSC was only a 50-mile drive away from the District Office, files requested in the morning could be delivered that afternoon if the need arose.

For other Key City Districts, however, these advantages did not exist. The New York District's service center was in Vermont. Its Federal Records Center, originally in Bayonne, New Jersey, was closing down in 1996 and

stopped taking file requests from New York INS in approximately June 1996. Miami's service center was in Texas, and its retired files were spread out in FRC facilities in Georgia, Mississippi, and Massachusetts. Finally, Chicago's service center was in Nebraska. Unlike Los Angeles, no other office maintained its retired files in the service center. No other district office was within an easy drive of the service center. Finally, no other office had engaged in an NDEC-style project at its service center and could benefit from the contract personnel.

O'Reilly, for his part, was not concerned with the impact such a transition would have on other districts. Although he knew that file movement between, for example, the Texas Service Center and the Miami District Office would be problematic, the new arrangement suited Los Angeles' needs and O'Reilly was the Los Angeles site manager. As O'Reilly acknowledged to OIG, he was "extremely parochial."

O'Reilly told the OIG that he had recommended that INS use Los Angeles as a pilot project before deciding whether to expand the Direct Mail program, a recommendation that Headquarters did not adopt. He believed that Headquarters' decision to implement a Direct Mail program at all four service centers, rather than piloting one, was driven by an interest in minimizing the number of times the Federal Regulations were changed. The regulations issued on January 12, 1996, announced that N-400 applications from four Key City Districts would be accepted beginning on January 31, 1996.

Of the Key City Districts, only San Francisco did not participate in the Direct Mail program during CUSA. As noted above, managers there were concerned that the file-movement scheme required by Direct Mail would result in lost and misdirected files, and, in the end, fewer A-files available for interviews. At the December 1995 CUSA meeting in Washington, D.C., San Francisco asked to opt out of the transition to Direct Mail. In addition to that stated preference, San Francisco's non-participation would ease the burden on the California Service Center, and Headquarters acquiesced in the request. Without San Francisco, each service center would have responsibility to process the N-400s of only one Key City under CUSA.

CUSA project managers believed, in general, that the transition to Direct Mail would assist the district offices in meeting their CUSA goals. Associate Commissioner Crocetti, the manager in charge of both records and service center issues, told the OIG that he did not recall the November 1995 Dallas meeting at which the service centers acquired significantly more responsibility

for housing the A-files. He told the OIG, however, that in order to save the district offices the clerical burden, he would have supported the service centers' control of the A-files in the fashion advocated by O'Reilly.

David Rosenberg told the OIG that Direct Mail was intended to improve INS' ability to get files where they were needed in a timely fashion. First, INS believed that limiting the number of locations that were using the electronic database would make it easier and more efficient to control a process that was dependent on that database. Second, because of the physical layout of service centers and their experience with contractor employees and mass processing, INS believed that service centers would accomplish the processing of A-files more effectively and with fewer errors than district offices.

Yet apart from their general sense that the greater efficiency of the service centers would improve INS' clerical performance in processing N-400s, these managers did not analyze the impact this transition to Direct Mail would have on the availability of the A-file in the naturalization process. Also, as discussed below (see "Automated file movement"), their notion that the service centers' work would be facilitated by electronic file ordering had little foundation because of the weaknesses of INS' computerized infrastructure.

In addition, Rosenberg's and Crocetti's belief that the service centers would enhance file availability was grounded on an inaccurate assumption. Both of them assumed that the service centers would be collecting files from places other than the district where the applicant applied, such as from the Federal Records Center or from other districts. Instead, the evidence indicates that most files needed by adjudicators would come from within the district because most persons applied for naturalization in the same district in which they became permanent residents. As a result, not only would district records rooms have to order and ship files in their possession to their respective service centers, but also they would have to order the archived files because only the retiring office—not the service center—had the authority and information required (the accession numbers) to recall files from the Federal Records Centers.²⁸ Therefore, the file-movement scheme created for Direct Mail of N-

²⁸ INS Headquarters debated the value of changing the rules about who was entitled to retrieve an A-file from the FRC. Though some managers argued for direct access by the service center, INS did not change the rules concerning FRC file retrieval during CUSA because of objections of the Records Division on the grounds of maintaining control and accountability.

400s during CUSA meant that files were first ordered out of their districts to be sent to the service centers upon receipt of an application, only to be requested back by the districts at the time of the applicant's interview.

Furthermore, this unprecedented file movement would not take place in a controlled environment but rather in the midst of the largest naturalization project in INS' history. Deputy Assistant Commissioner for Benefits Thomas Cook told the OIG that there was a split in opinion at Headquarters between those who believed that the transition to Direct Mail should not occur during CUSA and those who felt it would benefit the backlog reduction effort and could not wait. Among those who believed the transition to Direct Mail was ill-timed, in addition to the general concern about the ability to implement this significant change in the midst of a massive backlog reduction effort, there was particular concern, as Headquarters staff officer Sharen Nichols told the OIG, about the movement of A-files contemplated by the Direct Mail plan.

Michael Aytes, who as Assistant Commissioner for Benefits was in charge of the service centers, told the OIG that he had had two concerns: he did not want to take over the "ownership" of the backlog in naturalization cases, and he did not want to be dependent on district offices to send service centers the files they would need to accomplish their mission. He believed that the plan put service centers at the mercy of the districts. Although the service center would have responsibility for getting the A-file to the interview site, it could not control whether the district office forwarded the file to the service center in the first place.²⁹

Despite Aytes' concerns, even he found persuasive O'Reilly's argument about the lack of clerical and records support in the district—support that would be needed not just for file requests but for the other steps, such as getting rap sheets to the files that were required to prepare the case for the

²⁹ Even under the pre-O'Reilly formulation of Direct Mail for naturalization applications, INS likely would have increased its reliance on electronic file transferring. That version, too, to the extent that it had been planned, seemed to have contemplated that the service centers would place the initial order for the file. However, it is equally apparent that Aytes did not believe that *file-ordering* would necessarily mean that the files would in fact be *transferred* to the service center before the service center would have to transfer the file out to the interview site. Instead, it was assumed that if a file did not arrive at the service center, the service center would transfer the application (in a "receipt file") to the district office and shift the role of "file requestor" to the interviewing office.

interview.³⁰ Others, too, expressed concerns but nevertheless agreed to O'Reilly's strategy. For example, the Los Angeles District Director Richard Rogers expressed concern to O'Reilly about the additional loss of district control over A-files that Direct Mail would entail. Nevertheless, he also consented to O'Reilly's plan.

Beyond the general issues of control that concerned Aytes and Rogers, representatives from the Field had more specific objections about transferring requested files from the district to the service centers, just to have those same files transferred back to the district in time for the interview. Their concern was that it would be a waste of resources and likely would result in lost or misdirected A-files.

The first time that representatives from districts outside Los Angeles had the opportunity to hear about and discuss the new plan was at the December 1995 CUSA planning meeting in Washington, just one month before Direct Mail was to begin. San Francisco ADDA David Still told the OIG that the file movement scheme proposed at the December meeting was "bizarre." The New York District representatives told the OIG that they and Vermont Service Center representatives were opposed to the file-movement plan because they believed that it would result in fewer A-files being available for naturalization adjudication. The New York representative who participated in a smaller meeting specifically about Direct Mail told the OIG that her concerns were dismissed by Headquarters staff.

William Yates, the Director of the Vermont Service Center, told the OIG that the plan to ship the same files from the district to the service center and back again struck him as wasteful. Headquarters' Field Operations officials also questioned why INS would spend money shipping a file back and forth in this fashion.

³⁰ An officer in Aytes' office pointed out that Records staff perceived the new method of Direct Mail to be less burdensome than the original plan. Under the original version, the Records staff would have the responsibility of either interfiling N-400s or matching the service center files with their own files. Under the new plan, they would only have to box up and ship out A-files, a task that was less labor intensive. This attitude illustrates what Aytes was referring to as the transfer of "ownership" signaled by this revised plan to implement Direct Mail for N-400s. The entity that held the A-file not only had more work, but would have more responsibility. It is consistent with Aytes' concern about the new burden being placed on the service centers that the Records Divisions in the districts would find it a relief.

The only evidence that Headquarters attempted to address these concerns was the Deputy Commissioner's reassurance to the group at the December 1995 meeting that Headquarters would issue a directive that would insist that file transfer requests be addressed within ten days of receipt. Such a memorandum was subsequently issued in February 1996 and was cited by Crocetti and Rosenberg as the type of emphasis that Headquarters tried to place on the importance of timely file transfers. However, the memorandum merely reiterated a records policy that had been in place for several years.³¹

The evidence indicates that CUSA project managers paid little attention to the file-transfer issues, despite their sense that they appropriately supervised such matters. Their fundamental assumption that the service centers would be receiving the majority of files from outside the district was apparently a product of little study. It was exactly the concern voiced by those who objected to Direct Mail. Indeed, both Rosenberg and Crocetti acknowledged to the OIG that, if their assumption that most A-files were housed outside the districts was wrong, the new role envisioned for the service centers made little sense.

Setting aside the impact that Direct Mail would have on A-file availability, there was essentially unanimous agreement within INS that Direct Mail would help INS reach its CUSA goals. Indeed, no criticism of the basic decision to implement Direct Mail for N-400 applications is intended here. The service centers were widely recognized as more competent than the

³¹ The text of the memorandum from the Records Division in February 1996 stated, in pertinent part: "The naturalization of over 1 million legal permanent residents during this fiscal year has been designated as one of the Commissioner's priorities. To accomplish this goal, the transfer of A-files for naturalization must be given top priority by the holding files control office (FCO). All FCOs shall implement the following instructions immediately upon receipt . . .

1. An A-file in the holding office must be transferred to the requesting office within ten working days of receipt of the request.
2. If the A-file has been retired to a federal records center (FRC), it must be requested from the FRC within 2 working days after the request is received and forwarded to the requesting office within 2 days after the A-file has been received from the FRC."

The requirement of paragraph one of the wire was a reiteration of Section 2b of the INS Records Manual chapter entitled "A-file Requests and Transfers."

districts at moving cases through the INS pipeline. As one Headquarters employee who oversaw the service centers put it, the initial processing of N-400s would be a “no-brainer” for the service centers.³² Because backlogs in data entry of N-400s had been a stumbling block for three of the five Key City Districts (Los Angeles, Miami, Chicago), avoiding backlogs in data-entry alone would be a boon to the naturalization program. For this reason, Associate Commissioner Crocetti asserted in an e-mail in the autumn of 1995 that Direct Mail could be the “cure” for INS’ “ill benefits program.” That cure, however, created other problems. While Direct Mail enhanced production, it undercut the availability of permanent files for interviews. As Headquarters focused on the former issue, it ignored the latter, despite the concerns articulated by managers in the Field.

b. The consequences of Direct Mail’s file-movement theory

As Field managers had feared, the implementation of Direct Mail resulted in fewer permanent files being available to adjudicators during CUSA. From the perspective of district offices and the service centers, the transition was difficult and chaotic for several reasons.

First, INS was rushing. It wanted Direct Mail up and running, even though it was not ready. The service centers were unable to process N-400 applications until several weeks after the date (January 31, 1996) that INS announced it would accept mailed-in N-400s. During that lag time, the naturalization applications piled up. Thus, by the time the service centers began their work, they were already behind schedule.

In addition, the task that lay ahead of the service centers with the implementation of Direct Mail for N-400s was not precisely analogous to their previous work in processing other INS applications. Although service centers had experience with handling mailed-in benefits applications before Direct

³² There is some evidence that the service centers were not completely aware of the file-transferring burden which was about to be placed on them. For example, as late as January 1996, Joseph Thomas, the head of the California Service Center (CSC), still envisioned the transfer of A-file information from the CSC to El Monte as something which would happen electronically, based on a pilot he had seen in Philadelphia the previous year. Also, the Assistant Center Director for Records at CSC told OIG that they were only informed of the basics of how Direct Mail was supposed to work and, as a result, “grossly” underestimated the staff it would need to get the job done.

Mail for N-400s, applicants for those benefits did not necessarily have a pre-existing file. In processing applications for asylum or adjustment of status, the service centers might create a file for the first time rather than search for an existing file. As Michael Aytes, the former Director of Service Center Operations, told the OIG in explaining the difference between N-400 applications and those previously handled by the service centers:

Most of the applications that we process are applications that we create receipt files and we don't need—there may not even be a pre-existing file. You're going to bring a foreign worker into the United States. He may never have ever been here before. And if he was, it's probably not particularly relevant to the—to what you're processing right now.

With naturalization, however, for each application received, an A-file existed somewhere within INS. As Aytes told the OIG, “in N-400s, you need to get the file.” INS' ability to move files in and out of its records rooms was impaired by late 1995, and the resources that were expected to ameliorate the records situation—the entry-on-duty of a large number of contractor employees—were not yet in place. During the early days of Direct Mail implementation, therefore, the service centers learned what an arduous task becoming the office with responsibility for finding the A-file would be.

The greatest obstacle in the way of a smooth transition to Direct Mail, however, was Direct Mail's inherent reliance on automated file transfer systems that failed to work as designed. Headquarters knew its automated file transfer systems were unreliable before Direct Mail was implemented, but nevertheless instituted the program with the hope that these computerized systems could somehow be adjusted to meet the burden placed on them. This was despite the fact that INS' automated systems responsible for file transfers and case scheduling were going to be taxed as they never had been before.

The additional burden came from two sources. First, the number of people who were applying to be naturalized would dramatically increase. Second, for the first time every naturalization application from four Key City Districts would necessarily engage the automated file transfer request system because every file was located somewhere other than the service center.

Predictably, INS' automated systems could not be adjusted to keep up with the demands placed on them. During CUSA, each service center suffered significant problems attributable to these automated systems—or to the

Center's failure to come up with a "manual" solution to adequately overcome the problems. INS also failed to educate its workforce, particularly contractor staff, about the potential for failure of the automated systems. The staff presumed that the automated systems would work and thus when they did not INS and contractor staff were ill-equipped to either rectify the resulting mistakes or to accomplish by some other means what the computer had not done automatically. These issues are discussed in detail below.

(1) Automated file movement

i. File Transfer Requests

As discussed at the outset of this chapter, a naturalization applicant's permanent file is ordered after receipt of the N-400. For files that had to be ordered from one "File Control Office" or "FCO" (often district offices or sub-offices at locations different from the main district office) to another, the initial order for the file was automatically triggered when the application was data-entered into the computer system. For files located within the same FCO, the system did not generate an automated request. These intra-FCO requests were handled "manually" by district staff.

As noted above, the evidence indicates that the majority of applicants for naturalization, both before and during CUSA, applied for citizenship within the district where they obtained their permanent residency. If an applicant's file was created or available in the district at the time of the adjustment of status to permanent resident, and no interim proceeding outside the district had been initiated, the applicant's file most likely remained in that district. Accordingly, before implementation of Direct Mail, most file ordering for naturalization was not automated because the majority of applicant files were already housed within the appropriate district. One Key City District, for example, estimated that in early 1995 it made 75 percent of its file requests manually, for files within the same FCO.

For those applicants whose files were located in another FCO, INS relied on its data systems to request the files. This automated file transfer system was dependent on the interface between two INS databases, NACS and CIS. The dependability of that interface was extremely limited and known to be so.

As described at the outset of this report, CIS, as the "central" system, was the database that contained information on the location of the A-file, while NACS was the nationwide database that controlled naturalization data. During

the evening, after information from the N-400 was entered into NACS (either directly or through CLAIMS), NACS would “search” CIS, using the applicant’s A-number to determine the FCO location of the corresponding permanent file. If the A-file was not in the FCO where the N-400 was data-entered, NACS would initiate a “File Transfer Request” (FTR) through CIS. The FCO housing the A-file would receive, on a specially designated printer, a listing of files requested by other FCOs. These requests—called “pull tickets”—were used by the staff of the receiving FCO to pull files from their shelves and send them to the requesting FCO.³³

Consistent with the diagnosis NACS had received from INS’ own IRM staff in March 1995 as “generally not a very good example of a production system,” and one that was “full of bugs,” it did not perform well as a mechanism for the automatic ordering of files. Before CUSA large district offices had made known to Headquarters their complaints about the NACS/CIS interface, and when INS’ computer contractor (EDS) formally evaluated NACS in July 1995, one of the problems it reported was that the system ordered files to the wrong office. The problem stemmed, in part, from the fact that NACS sometimes malfunctioned, causing CIS to misunderstand the file transfer request and, in turn, to order the file to the wrong location. In addition, the volume of file transfer work before CUSA had already exceeded the capacity of the data system to function properly. By 1995, the 10-hour NACS/CIS interface from 6:00 p.m. to 4:00 a.m. each day was insufficient to process the volume of new requests. This was just one area of weakness that had led IRM officials to conclude several months before CUSA that NACS should be replaced by the reengineered CLAIMS system.

Even though these pre-existing weaknesses made NACS particularly vulnerable to the stress of heightened production, INS’ plans did not include replacement of NACS by the time that CUSA began. Instead, INS hoped to “stabilize” the system until it was eventually replaced. According to the Assistant Commissioner for IRM, this involved improving the scheduling function in NACS and enhancing NACS’ ability to print naturalization certificates. In short, attention to NACS focused on fixing the problems that

³³ Once the receiving office located the file and sent it to the requesting office, that office would generate a “File Transfer Initiate” in CIS. Once the requesting office received the file, the requesting office would generate a “File Transfer Complete” in CIS, that would update CIS to reflect the new office as the holder of the file.

were inhibiting CUSA's production goals and there was little, if any, effort to enhance NACS' ability to accurately order files through CIS. Consequently, errors in file ordering persisted throughout CUSA. As has been noted throughout this chapter, shoring up file retrieval capabilities was not an INS priority because the lack of an A-file at the naturalization interview was not an obstacle to processing cases. Instead, it was assumed that officers could rely on temporary files.

INS' approach to jury-rigging NACS (like adjusting only the scheduler and the certificate-printing functions) was consistent with Headquarters' philosophy that not all problems could be fixed before its ambitious naturalization program began, because such a cautious strategy could forestall the program forever. As noted previously in this section, this philosophy was fortified by INS managers' belief that emphasizing backlog reduction would not necessarily create new problems or problems on a different scale. The fallacy of this reasoning was that it failed to recognize that the transition to Direct Mail, and to the service centers' new role as file-controlling authorities, would exponentially increase INS' reliance on its automated file transferring system. For every case data-entered at a service center, NACS would initiate a file transfer request after searching CIS and finding that the A-file was at a different FCO, and would attempt to initiate a file transfer request. An automated system previously recognized as flawed when it was responsible for obtaining approximately 25 percent of all A-files was now going to be engaged in every single naturalization case in four Key City Districts during the fiscal year when there would be many more naturalization cases than ever before. The predictable result was that it failed to work.

When NACS failed to work and a file request was not automatically generated by the service center, the district office holding the file would be unaware that the file was needed elsewhere. This would lead, in turn, to the service center not having the permanent file in time for the interview and having to forward a temporary file containing the N-400 to the appropriate district office. Later in this chapter we describe the experience of one large district and one service center after the transition to Direct Mail to illustrate the problems that flowed from this failure to shore-up critical data systems before implementing a program dependent on these systems for the movement of A-files.

ii. Scheduling cases

INS' automated systems also contributed to file movement problems under Direct Mail in other ways. Service centers depended on the district offices to provide them with lists of cases scheduled for particular days so that they would know which files to transfer to the district office. Because of various problems with these automated systems, these lists were often generated within only a few days of the scheduled interview date. As a result, the service center did not have sufficient time to find and send the relevant files—even temporary files—to the requesting district office.

NACS was used not only for file transfer requests but also for scheduling applicants for naturalization interviews. A scheduling clerk would enter into NACS the number of adjudicators available for any given date and how many interviews each adjudicator could handle. NACS would schedule the cases, beginning with the oldest cases first.

The decision that the service centers would be responsible for obtaining and housing the A-file meant that service centers would also be responsible for submitting fingerprint cards and matching FBI responses to appropriate files (see "Criminal History Checking Procedures," below). In order to allow service centers sufficient time to obtain files and process fingerprint cards, Headquarters decided that the service centers would need to "keep" or "own" the case, as far as the computerized inventory was concerned, for a minimum of 60 days before it would be available for scheduling by NACS. Changes were thus made to the NACS/CLAIMS interface so that only cases that were at least 60 days old could be scheduled by NACS.

Once cases were available for scheduling, NACS generated a "pick list" on a special printer at the service centers that identified the A-numbers of the persons to be interviewed on a particular day. The service centers were supposed to receive the pick list with sufficient time to pull and send the files to the appropriate office within the district. Because of problems with the NACS scheduler and the NACS/CLAIMS interface, thousands of cases were scheduled for interviews less than 60 days after data-entry of the application and pick lists were sometimes not generated until a few days before the interview date.

Because of problems with the NACS scheduler and the NACS/CLAIMS interface and because of a data-entry error by service center clerks, cases also in some instances did not become available for interview scheduling at all.

When the New York District reported to INS Headquarters in May 1996 that NACS was indicating that no cases were available for scheduling, Michael Aytes acted swiftly to obtain an immediate solution from Headquarters IRM staff. As he wrote to IRM staff employees, NACS “jeopardize[d] the agency’s priority and all of Doris’ commitments.” Indeed, CUSA could never be accomplished if interviews were not scheduled. Adjustments were therefore made to NACS on sufficient occasions to allow it to be used for scheduling on a large scale.

These adjustments did not necessarily mean that cases were scheduled with sufficient time for fingerprint checks to be completed or for service centers to transfer the file. During CUSA, thousands of applicants were interviewed less than 60 days after data-entry of their applications,³⁴ and pick lists were generated so close to their interview date that the service centers were unable to locate the files in time to send them to the districts.

As a result of the service centers’ untimely receipt of the pick lists, adjudicators in three of the four Key Cities that went to Direct Mail reported having interviews scheduled and applicants appear but no file—neither permanent nor temporary—available to use.³⁵ In these instances, adjudicators proceeded with the interview, relying on new applications filled out by the applicant on the spot.³⁶

The evidence reveals that adjustments to NACS that would permit production to continue—such as adjustments necessary to schedule cases—received highest priority. Scheduling was achieved regardless of how much time was allotted to service centers to obtain the requisite background checks

³⁴ For additional discussion of how weaknesses in the automated scheduling process had an adverse impact on the tools needed for the adjudication, see “Criminal History Checking Procedures,” below.

³⁵ The fourth Key City District that underwent the Direct Mail transition was the Chicago District. Because of the number of cases it already had awaiting adjudication in relation to the number of officers working, Chicago did not begin to adjudicate cases processed by the Nebraska Service Center until late in fiscal year 1996. Witnesses from the Chicago District did not complain of this problem to the OIG.

³⁶ When community-based organizations in Los Angeles asked why applicants’ files were not available at interview, Terrance O’Reilly, by then serving as Acting CSC Director, told them that the computer system on which INS was depending to retrieve files was “13 years old and was never designed for the high volume” of cases being processed.

or to locate and transfer the file. The Direct Mail experience showed that when the principle of obtaining and reviewing an A-file was pitted against production priorities, once again production took precedence.

iii. Duplicate files

Once an office had become accustomed to using temporary files, the decision to use a duplicate file, created at the time of the interview, may not have stood out as much of a deviation from existing policy. After all, the temporary file would only contain information provided by the applicant (the N-400) and computer printouts (typically from CIS, indicating date of permanent residency and that file requests had been made), both of which could be recreated for the interview once the applicant arrived. In other words, although the duplicate file did not contain INS' historical data on the applicant, neither did the temporary file often provided by the service center.

For the applicant, however, creation of a duplicate file was a considerable inconvenience. Although it was the lesser of two evils when compared to rescheduling the interview for some future date, it nevertheless required the applicant to hastily recreate an application that he or she had likely completed with some care many months before. An applicant's original N-400 may have been prepared with an attorney's assistance, or sent in with accompanying (and sometimes original) documentation. The photographs originally submitted with the application would have to be replaced, and at the applicant's expense, at a photography business near the interviewing office.

Most importantly, however, the use of a duplicate file added yet another file—likely the third—related to the applicant, thus increasing INS' record-keeping burden. As is illustrated below in the section about file-creating and tracking in the New York District, such files were multiplying at a time when INS was least able—because of volume, changes in procedure, and the lack of trained records staff—to keep track of an increasing number of applicant files.

The disposition of the duplicate files after the interview also revealed the inadequacy of INS' file-tracking database. In at least one large district (Los Angeles), if a duplicate file was used at the interview, and the temporary or permanent file containing the applicant's original N-400 did not arrive before the naturalization ceremony, then the clerical staff would simply barcode the folder containing the applicant's adjudicated, duplicate N-400, thereby creating a second temporary file. Barcoding the duplicate file would allow it to be tracked in the RAFACS database, the local naturalization file tracking system.

The problem with this approach was that RAFACS was designed to only retain information about one temporary file per corresponding A-number. Upon “reading” this second temporary file’s barcode, RAFACS would obliterate the location of the original temporary file.³⁷ At the El Monte site in the Los Angeles District, for example, RAFACS entries for thousands of temporary files had already been eliminated by the time this problem was discovered.

(2) The district view—New York

Some of the consequences that flowed from the implementation of Direct Mail during CUSA and INS’ reliance on a vulnerable data system may be illuminated by examining a particular district. In this section, we review the New York District’s experience with Direct Mail and how this transition worked to loosen one Key City District’s remaining hold on file control in the naturalization process.

Even before CUSA the New York District was having difficulty obtaining files before the naturalization interview. It was predictable, then, that sending the file from the New York District to the Vermont Service Center and back again would cause further delays. Additional problems, however, undercut file availability. With the transition to Direct Mail, New York District no longer had authority over the entire file-movement and tracking process and, with the narrowing window between the first file-ordering and the naturalization date, it had less incentive to stand firm in support of ensuring the availability of the permanent file.

The New York District began working in late May 1996 on cases that had been inputted by the Vermont Service Center (VSC). Part of the difficulty experienced by the VSC (like other service centers) was that the pick lists were not provided with sufficient time to allow the Service Center staff to pull the

³⁷ RAFACS showed where a temporary file was located and the location where it was transferred. Upon entering the duplicate file’s barcode, RAFACS would record the new file’s present location and the old file’s former location, suggesting that the file had been properly transferred as opposed to duplicated. Then, once the status of the newer duplicate file was changed again, information on the original temporary file would no longer appear in the database. Subsequent inquiries to the data-base would not reveal the location of the original temporary file unless the original folder was “read” using a RAFACS wand during a file audit at the other location. That “reading,” however, would in turn affect the database so that it no longer reflected the location of the newer duplicate file.

files requested for interview. Sometimes the VSC received the pick list *after* the date of the interview. In either of these situations, the Service Center would have to send the District a temporary file containing the applicant's N-400.

A far greater problem, however, was that by the time the pick list was issued, the VSC had often not yet *received* the file from the New York District Office. As one New York District employee who had been assigned to look for files told the OIG, at the time of interview the computer (CIS) often showed that the VSC's request for the file from the New York District Office was still outstanding. As this employee characterized it, "CUSA moved quickly . . . the file room [in the NYDO] moved slowly."

The practice of the VSC to send barcoded temporary files to the New York District when A-files were not available also diminished the role of the New York District's Index Section, which had previously played an important part in encouraging searches for A-files. As noted earlier, before CUSA only the Index Section had the authority to create a barcoded temporary file, and it would only do so after all the requisite searches had been conducted to no avail. Previously, the Index Section had the sole responsibility to update the RAFACS database concerning the creation and location of the temporary file. Under Direct Mail, however, when the VSC sent a temporary file to the New York District the file already had a barcode affixed. Files were no longer routed through the Index section but, instead, were sent directly to the location that requested the file. Thus, the creation of a temporary file was unrelated to the status of any search for the permanent file in the New York District. As a result, the applicant's permanent file might be shelved in the Main File Area in the New York District while an adjudicator was using a barcoded, temporary file at the interview.

In addition, the New York District's habit of continuing to search for an A-file after the interview also was eroded by the pace of CUSA and the new Direct Mail-style file movement. For example, one officer at the Garden City site was specifically assigned in July 1996 to review temporary files to determine if those files could be approved for naturalization in the absence of the permanent file. If a request had been made to obtain the file but the file was not in the New York District, the case could be approved for naturalization consistent with the traditional policy. However, under Direct Mail the policy covered even those files that were outside the district because they were at the VSC. Given the pressure to complete cases quickly and the permission to

approve even those whose files were at the VSC (and thus ostensibly en route to New York), there was less of an incentive to search for the relating permanent file. This was corroborated by the fact that the SSU received few requests for special searches during CUSA.

The significance of this change in the file management process was heightened by the high-volume, production-pressure environment that pervaded INS, including the New York District, during CUSA. At the same time that the Records Section essentially lost control over the files in the New York District, the demands placed on the District's records staff to order and transfer files had increased dramatically. The Garden City CUSA site, when it opened in April 1996, meant that more than 100 additional adjudicators would be processing cases and needing files. The VSC requested files from the records staff at a rate estimated at 5,000-9,000 a week. Finally, every interview for which the VSC sent a temporary file containing the N-400 added yet another file to the increasingly overwhelming number of files over which the New York Records Section had to exert control.

The Acting Records Supervisor told the OIG that seven employees (including three students) were added to the District's Main File Area during CUSA, but this additional staff was insufficient to keep up with the increased volume.³⁸ All of this was occurring when the time between receipt of the application (and thus the initial file request) and the interview had shrunk from its pre-CUSA estimate of between 12 and 18 months to between 4 and 6 months by the summer of 1996.

New York managers and staff consistently acknowledged to the OIG that the transition to Direct Mail during CUSA resulted in far greater reliance on temporary files during the naturalization process than before CUSA. As the Deputy District Director noted, Direct Mail's implementation at the height of CUSA was an "unfortunate intersection." However, as noted earlier, the intersection resulted from decisions made by CUSA project managers, decisions whose impact on file movement was predictable and even anticipated.

³⁸ The New York District had been slated to receive 17 additional records positions under the June 1995 reprogramming. However, New York personnel told the OIG that their records staff was never increased to this degree. Estimates of how much the staffing grew in the Records Division ranged from no new employees to a handful of borrowed staff from other units, to the seven cited above.

(3) The service center view—TSC and the Miami District

As the Key City Districts struggled with and succumbed to the problems described above, the service centers grappled with their own difficulties. First, the service center staffs were not adequately prepared for the transition to Direct Mail. In the rush to implement the new program, INS did not train the contract employees who would be largely responsible for the process, did not provide staff with a guide for handling N-400s until after implementation of Direct Mail, and did not alert them to the weaknesses of the data systems on which they would have to rely to do their work. These failures contributed to the districts' increasing reliance on non-permanent files during CUSA. The Texas Service Center's experience, and its resulting influence on the work of the Miami District, is discussed here by way of example. The OIG investigation found similar problems at each of the service centers during CUSA.

The Texas Service Center (TSC), located in Dallas, began processing the Miami District's N-400s in February 1996. Contract employees of Labat Anderson, Inc. (LAI), processed the N-400s, while INS employees provided oversight and quality control. The INS employees involved with the naturalization process were part of INS' Contractor Performance and Analysis Unit (CPAU).

LAI employees interviewed by the OIG said that they did not receive any training from INS about naturalization or how to process the N-400. Not only were these contract employees untrained, but INS also failed to train its *own* TSC employees about the N-400 process or the service center's role in naturalization.

In the absence of training, employees had to rely on written guidance on how to do their work. That written guidance, however, came belatedly and was difficult to understand. The first draft of the Direct Mail standard operating procedures (SOPs) was issued only one week before the service center was to begin processing N-400s, and the revised draft was not distributed until March 5, 1996, after the TSC had begun data-entering N-400s. One INS CPAU employee told the OIG that she never saw final SOPs for N-400 naturalization processing during the CUSA initiative, although Headquarters staff promised a final version when they visited the TSC in May 1996.

Even if the issuance of final SOPs had been more timely, however, it appears from reviewing drafts that the document would have been of little utility. Both INS CPAU employees and LAI employees told the OIG that the usefulness of the SOPs was limited due to the amount of information that had been omitted. An INS CPAU employee recalled that the SOPs were “ambiguous” and said that they appeared to have been produced by INS Headquarters in “a vacuum.” An LAI file room supervisor told the OIG that LAI had to create its own SOPs as they went along and said that they were “frustrated” by the lack of guidance from INS.

As a result, TSC staff employees began work uninformed of their precise duties, much less the kinds of problems they were about to encounter, particularly those posed by INS’ faulty data systems. File room personnel told the OIG that they did not understand the significance of the A-file in the naturalization process and thought that as long as they sent files—whether A-files or T-files—they had done what they were supposed to do. They were not aware when Direct Mail began of the data system’s tendency to fail to generate an automatic file transfer request or of the particular data-entry problem, described below, concerning the “leading zero” in A-file numbers. Both of these gaps in their understanding and training resulted in fewer needed files being timely sent to the Miami District.

i. The problem of the “leading zeroes”

The primary means of identifying an applicant in NACS and in CLAIMS was by the A-number. NACS had been designed to accept eight-digit A-numbers, but CLAIMS, in anticipation of INS needing even longer numbers to accommodate its growing number of records, was designed to accept a nine-digit A-number. Knowing from their work with other applications that CLAIMS required the full nine-digit field to be filled in, TSC clerks data-entered the eight-digit A-number but added an initial zero—known as a “leading zero”—to round out the field.

However, due to an oversight, the software controlling the interface between CLAIMS and NACS was not designed to account for this “leading zero.” Accordingly, sometimes the information would not be uploaded at all during data-sharing between CLAIMS and NACS. This, like other errors in the data entry process, would be reflected on an “error report” generated by the CLAIMS system. However, at other times some of the data would successfully upload (NACS would receive the name and address of the applicant) but the A-

number would be mistranslated. In other words, NACS would interpret the leading zero as the first digit of the applicant's A-number and not just a "place-keeping" digit used to complete the field in CLAIMS. In these instances, the A-number recorded for the applicant in NACS began with a zero and was therefore different from the applicant's actual A-number.

Despite the mistranslation of the A-number in these cases, NACS generally would continue processing the case and the applicant would receive a notice that an interview had been scheduled. Having the A-file or even the temporary file available at the interview, however, was nearly impossible because the A-numbers appearing on the pick list provided to the service center did not correspond to the applicant's correct file number. A search of the RAFACS electronic database at the TSC using the incorrect A-number from the pick list would indicate that neither an A-file nor a temporary file existed. TSC staff also could not use CIS to locate the file because, as in RAFACS, an accurate A-number was required to conduct a search.

The TSC did not become aware that there was a problem with keying in a zero before the eight-digit A-number until several weeks after data-entry had begun. After the problem was discovered, CPAU employees first had to conduct name searches in CIS to determine which cases on the error reports were caused by the "leading zero" issue and which cases had accurate numbers, but were on the error report for some other reason. Once the leading zero cases were identified, TSC employees manually corrected the A-numbers in CLAIMS and the case was uploaded to NACS again. However, this process was time-consuming and as late as August 1996 Miami employees reported that they were still working with cases affected by the "leading zero" problem. Witnesses' estimates of the number of cases affected by the "leading zero" problem ranged from hundreds to tens of thousands.³⁹

³⁹ Unlike his colleagues who told the OIG that the leading zero problem affected a significant number of cases, the Assistant Director for ADP at the TSC told the OIG that the leading zero problem affected a very small percentage of cases. However, the lead EDS contractor who worked on NACS estimated that it affected approximately 100,000 naturalization cases nationwide.

ii. Learning of the failure of File Transfer Requests

The files of those cases not affected by the “leading zero” problem were nevertheless not guaranteed safe passage through the INS data system. Though both contractor and INS employees had been informed that the computer would automatically request A-files once the N-400 applications had been data-entered correctly, that was not the case.

As described previously, the NACS/CIS interface was not reliable, resulting in files not being ordered or ordered to the wrong office. TSC staff employees, however, did not learn of the problem between the NACS and CIS interface until several months into the data-entry process. When the problem was discovered, TSC staff reviewed several thousand files to determine whether the file transfer requests had been generated by the computer. TSC employees told the OIG that files for between 60 to 80 percent of the cases had not been ordered.

The automated process was no more reliable at ensuring that files were returned to Miami than it was at generating requests for Miami to send the files to TSC in the first place. Further along in the process, at the point when the interview pick list was generated, the file was supposed to be automatically transferred back to the Miami District Office. These automated file transfers also frequently failed to occur.⁴⁰

iii. Untimely “pick lists”

Finally, even when the file requests had taken place as designed and the service center had the requisite files in its possession, its ability to send A-files in a timely manner was often limited by the receipt of pick lists from the

⁴⁰ When it was discovered that file transfer requests were not being automatically generated with the pick lists, TSC employees developed manual steps that could be taken to accomplish the same result. These additional steps involved rectifying the file location information in CIS. However, these actions could not be taken at the initiative of lower-level TSC employees because only supervisors, and not clerks, had the necessary access in CIS. When staff proposed to TSC management that clerks be granted additional access to CIS, the TSC Director decided that this was a problem that INS Headquarters needed to fix and that the TSC would not take steps to manually correct the problem. The TSC Director reported to INS Headquarters that he did not have sufficient staff to do the manual updating in CIS and that Miami cases were being shipped daily without CIS being updated.

Miami District without sufficient time for them to locate the files before interview. Ordinarily, the TSC would receive pick lists several weeks before interviews were scheduled, but TSC staff told the OIG that the pick lists were sometimes received less than two weeks before the interview date. Such a truncated time frame exacerbated what was already, as one of the TSC employees characterized it, a “rat race” to get the files to Miami.

iv. Impact on the Miami District

Adding to these difficulties were weaknesses in communication between the District Office and the TSC during CUSA. TSC managers told the OIG that they rarely heard from anyone at the Miami District except DADDN Watson, and her comments came indirectly through INS Headquarters. DADDN Watson, for her part, said that the TSC never made the Miami District aware of the procedures it was following. She told the OIG that when she questioned how something was done, TSC Director James Burzynski would simply refer her to the draft SOPs.

The impact of all of these factors on the Miami District Office was that the requisite files routinely failed to appear in time for the naturalization interview. Supervisors and permanent DAOs in Miami told the OIG that once they began interviewing cases that had been processed at the TSC in the summer of 1996, temporary file usage reached an all-time high. Indeed, over a 2- to 4-week period in August 1996, the Miami District received no files at all from the TSC.⁴¹

The nature of the file-transferring problem was such that the Miami District had no way of knowing whether files would be available by a particular date, so they did not have enough time to notify applicants to reschedule interviews. Therefore, in cases where the applicant arrived for an interview and no file was available, Miami managers decided to have the applicant fill out a new application. After the applicant obtained photographs and fingerprints that same day, he or she was interviewed based on the new application. Assuming that the applicant appeared qualified, the cases were then continued for the results of the fingerprint check and, ostensibly, the file search.

⁴¹ During this time period, the Miami District Office was interviewing approximately 1,100 applicants per day.

Compared to the days before CUSA, the Laguna Niguel data-entry project and the transition to Direct Mail brought considerable chaos to Miami file-handling. In the words of one Miami supervisor, the inability to obtain A-files and the over-reliance on temporary files during CUSA resulted in a “T-file nightmare.” During this time of high reliance on temporary files, however, the Miami District did not change its policy concerning the efforts required before finally granting a case on the basis of something other than the permanent file. Indeed, in an effort to stem the tide of decreasing A-file use, DADDN Watson assigned a permanent DAO and several temporary officers to the task of locating, retrieving, and reviewing A-files for cases that had gone to interview on the basis of only a temporary file.

By May 1996, however, INS Headquarters had reduced the “diligent search” period from six months to 30 days, as set out in the “Naturalization Process Changes” memorandum discussed in our previous chapter. Although DADDN Watson did not support the new policy, it was nonetheless implemented in Miami. The work of the Miami review team thereafter became less about reviewing A-files than simply checking to ensure that the few steps now required—the 30-day wait, a computer printout showing that a file request had been made, and proof of the applicant’s permanent residency—had been taken.

3. A-file policy and “streamlining” naturalization

Although the implementation of Direct Mail reduced the availability of the permanent file, this outcome had not been a deliberate part of its design. There were, however, two other “streamlining” innovations during CUSA that more clearly reflected INS’ view that the permanent file was expendable, despite claims citing its importance. The first was the creation of the El Monte office of the Los Angeles District, whose very design precluded the review of the applicant’s file before the interview. The second was INS’ Headquarters policy change in May 1996, referenced above in our discussion about Miami practices, declaring that it was no longer necessary for adjudicators to wait six months (the waiting period was reduced to 30 days) before proceeding to adjudicate a naturalization application based only on the review of a temporary file. Both the new office and the new policy were created with increased production in mind, and both prioritized that increased production over the importance of thorough file review in conjunction with a naturalization adjudication.

a. El Monte's design precluded file review before the naturalization interview

As we discussed in our chapter on interviews and adjudications, El Monte was the CUSA office widely regarded as the premier site for reengineered naturalization adjudication. After applicants were tested on their English and Civics knowledge, those who passed or who had presented valid certificates from an off-site testing entity were escorted to one of 38 cubicles where an adjudicator (the “primary” officer) conducted the preliminary interview while the applicant remained standing, similar to a bank teller-and-customer interaction. Those applicants who needed a more in-depth interview were sent to the “secondary examination area” staffed with permanent officers. INS documents describing the idea behind this interview structure stated that “two ‘channels’ of interviewing officers establishe[d] a more efficient workflow, and streamline[d] the process while enhancing its integrity.”

El Monte's design did succeed in creating a more “efficient workflow” in the sense that applicants and their cases moved from one stage of the process to another quickly. Applicants who couldn't pass the preliminary tests were immediately rescheduled, and did not waste time waiting for the full-scale interview. They also did not have to wait for a particular officer for an interview, but instead would be directed to the next available officer. The El Monte process allowed the least experienced officers to be assigned English and Civics testing, the least difficult adjudication tasks. As the statistics show, and as we discussed in our last chapter, El Monte got cases done.

However, there is little evidence to suggest that the El Monte design “enhanced the integrity” of the adjudication of the naturalization application. To the contrary, if there was any substance left to the principle that A-file review could inform the naturalization interview, it was streamlined out of existence by the El Monte design. In addition to the compromises brought about by the production pressure that existed at El Monte and described in our last chapter, El Monte adjudications suffered because adjudicators were precluded from reviewing applicant files before the interview.

Unlike the procedure followed before CUSA (and at other sites during CUSA) of assigning bundles of files to the adjudicators the day before or at the beginning of each interviewing day, files at El Monte were delivered to the adjudicator *at the time* that the applicant appeared in front of the primary officer who conducted the preliminary interview. Consequently, any “review” of the file would take place as the applicant was standing in front of the

adjudicating officer and during the limited time customarily allotted for questioning the applicant.

During his interview with the OIG, O'Reilly asked himself rhetorically whether the El Monte design provided for “extensive review” of the applicant’s file, and he responded “absolutely not.” Although erosion of the principle that A-file review was critical to the adjudicative process had occurred in the Los Angeles District well before the opening of the El Monte site, the design of the new facility institutionalized the concept that such review was unnecessary.⁴²

b. “Naturalization Process Changes” memorandum

El Monte’s streamlined structure, designed to enhance production, built in a decreased opportunity to review the permanent file. This implicit decision by INS was made explicit by a subsequent “streamlining” policy change, promulgated in the May 1, 1996, “Naturalization Process Changes” memorandum, that expressly reduced the required A-file search period from six months to 30 days. Although the new policy was not adopted throughout the Key City Districts and thus there was only a limited impact of this new rule, it was more significant for what it conveyed about Headquarters’ view of the importance of the A-file. Given the tension between increasing production and diligently searching for applicants’ A-files, INS had chosen production.

As we discussed above, the stated purpose of the Naturalization Process Changes memorandum was “to achieve maximum results in the quickest time period and to improve the quality of [INS’] work.” The memo identified, in a summary chart, a series of “problems” that were “procedural barriers in the naturalization process” that needed to be “eliminated quickly.” One of the listed problems, which would have a “high impact” on improving processing if resolved was that offices were waiting six months before “scheduling the

⁴² It should be noted, as several DAOs did in their interviews with the OIG, that even if the A-file had been available to the temporary officers, it is not clear that they would have known how to review it or what relevant information it might contain. As we discussed in our previous chapter, such issues were not covered in their training, nor were they trained about any meaningful distinction between a permanent file and a temporary one. The CUSA training manual only noted that temporary files were used for those lawful permanent residents who entered the country “many years ago” and whose files were thus unavailable. According to the theory behind the CUSA training program, extensive file review should not have been necessary because primary officers only would have been assigned “pre-screened” cases. At El Monte, however, there was no such pre-screening.

applicant for an interview without the file.” The chart notes that INS will “issue a memo permitting districts to wait only 30 days for a *transferred* [emphasis added] file before proceeding to use a temporary file.”

The qualification that the anticipated policy would apply to “transferred” files appears to pertain only to those files coming from outside the district, because these are the only files that technically are “transferred.” Indeed, in discussing the benefits of such a change in policy, David Rosenberg told the OIG that the delay in obtaining files was attributable to the “holding office” not responding to the “requesting office,” implying that the file transfers targeted by the memorandum were inter-district.

In the body of the “Naturalization Process Changes” memorandum, however, where the change in A-file policy is addressed in more detail under the heading “Reduction in Wait-Time for A-file Requests,” there is no such emphasis on “transferred files.” In this section of the revised policy, the Field was given permission “to wait only 30 days for a *requested* [emphasis added] file before proceeding with the interview and adjudicating the applicant’s N-400 based on a temporary file.” Therefore, even if the request was for a file within the same district (for example, for a file shelved in the district’s records room), the adjudication could proceed using a temporary file as long as 30 days had passed since the original file request.

The evidence indicates that this change from six months to 30 days was perceived by the Field as permission to proceed on a temporary file regardless of the location of the permanent file. Memoranda distributed within district offices advised INS employees of the substance of the Headquarters memorandum using this type of language: “we only need to attempt to retrieve the permanent file for a period of thirty (30) days, and if we do not receive the file within the 30 days we can proceed with the naturalization process accordingly,” and, “effective immediately, all temp files over 30 days old may be adjudicated without the original A-file. It will no longer be necessary to continue cases for original file [sic].”

The Naturalization Process Changes memorandum not only failed to expressly prohibit such instructions, but actually encouraged them by disparaging the value of the A-file and emphasizing its cost to production. The expression which had been the temporary file mantra since 1980, “diligent search,” was completely absent. The memorandum noted that waiting six

months for the A-file “unnecessarily delays the processing of naturalization applications.”⁴³ It continued, “for a majority of applicants, the entire record is not necessary in order to review the events of the last five or three years.” Although INS had never based the importance of the A-file on a belief that the *majority* of files contained disqualifying information, in 1996 this became a basis for modifying the 16 year-old policy. Furthermore, since very few, if any, cases were proceeding to interview within 30 days of receipt of the application, the A-file became, in essence, officially superfluous.

We are left to interpret the memorandum because, as discussed above, the Headquarters officials responsible for its issuance essentially disclaim authorship. Although the cover page of the memo asserts that guidelines such as the revised A-file policy were the result of “numerous discussions and meetings of Service field staff, regional offices, and Headquarters as well as outside subject experts, community-based organizations, and focus-groups,” there is little evidence that the revision to the long-standing A-file policy was the product of a meaningful consultation with district managers or other “experts” about this guideline in particular.⁴⁴ Reducing the “search” period to 45 days had been suggested in the reengineering “brainstorming” discussions led by PRC, Inc., in April 1995, but the OIG was unable to find any other evidence of previous consideration of this proposal before its implementation. Nor did any INS Headquarters official take responsibility for the substance of the memo.

The shortened search time for A-files did have an impact in some district offices, most notably in Miami. There, the reduction in wait time to 30 days was considered a formal change in policy and was implemented accordingly, even though the local DADDN did not agree with the change. The change resulted in more cases being adjudicated with temporary files.

⁴³ This statement also casts doubt on whether INS had been using the 6-month search period in any particularly fruitful way.

⁴⁴ There was evidence that the guideline was discussed in a conference call at approximately the time it was issued. One employee in the Field commented in an e-mail at the time, “I do not think 30 days is enough time to give up on a file. I suggest we keep the current 6 months, or we’ll be naturalizing ax [sic] murderers, D-1’s and Nazi War Criminals. (Sort of like we do now).” Several ADDs told the OIG that they did not agree with the change.

In the other Key City Districts, the policy change was either ignored, unknown, or deemed irrelevant. In Los Angeles, where little needed to be done to encourage greater reliance on temporary files, there was no local policy change, but the Los Angeles copy of the May 1 memorandum is annotated with the words “good news!” by DADDA Neufeld.

INS A-file policy reached its nadir with the issuance of this memorandum. Only six months later, under the Naturalization Quality Procedures, declarations about the importance of the A-file were heartily resurrected, further evidence of how far the principle had fallen in the preceding year. When production had governed the day, and INS was seeking, as stated in the Naturalization Process Changes memo, to “achieve maximum results in the quickest time period,” Headquarters essentially told the Field that A-files were a luxury that naturalization processing could afford to do without.

E. Consequences of the extensive reliance on temporary files

By using temporary files throughout the naturalization process, INS assumed the risk that the applicant’s permanent file did not contain any information bearing on eligibility. Because they did not regularly review these permanent files, INS would rarely be confronted with evidence that its reliance on the temporary file had been a mistake. In effect, INS assumed the best about these applicants’ histories, and there was no mechanism by which to determine whether that assumption was valid.

There were, however, many instances in which the excessive use of temporary files contributed to processing errors by INS. They included not only incorrect decisions about an applicant’s eligibility because pertinent information contained in the A-file was not in the temporary file, but also problems related to the enormous record-keeping burden caused by the proliferation of temporary files.

The extent of the problems that resulted from reliance on temporary files during CUSA cannot be precisely quantified. INS did not keep track of which naturalization cases were granted on the basis of a temporary file. The very problem of weak file management and control techniques evades systematic study because the problems themselves prevent reviewers from finding the files needed for such a review, as was demonstrated during the reviews of CUSA cases undertaken by the KPMG-supervised INS team in 1997 and discussed below. However, the problems can be illustrated in other ways. In this section, the OIG offers examples of naturalization processing and record-keeping errors

made by INS during CUSA which were attributable to its vulnerable file policies and record-keeping procedures.

1. Temporary files and naturalizing ineligible applicants who had engaged in fraud

We discussed at length in our previous chapter how INS failed to give its adjudicators accurate guidance concerning how to detect and respond to applications for naturalization by persons who obtained their residency status through fraud. We reiterate here that without applicants' permanent files, even accurate guidance to the Field would have been meaningless, because the adjudicators would not have documents concerning the applicant's immigration history available for review. Therefore, when EAC Aleinikoff, David Rosenberg, and other INS officials assured the Senate Subcommittee on Immigration in late 1995 that INS would make efforts not to naturalize those applicants who had engaged in previous immigration fraud, INS was already so dependent on the use of temporary files that the promise was hollow. Without using applicants' permanent files, suspicions of fraud would not often arise or, once they had arisen, could not be fully explored.

2. Temporary files and the loss of control over relevant records

Not only did the poorly controlled, increased use of temporary and duplicate files threaten adjudicators' ability to make informed decisions in evaluating applicants' eligibility, but also it had a ripple effect that was felt in other areas. INS' file practices contributed to INS' inability to even identify those who had naturalized. This loss of control over its files prevented INS from responding appropriately to a number of critical post-CUSA inquiries by Congress and by the Department of Justice. In this section of our chapter we offer two examples to illustrate this point. First, however, we offer background information on the factor that aggravated INS' lack of control over its files and its inability to confirm which applicants had naturalized: the failure of INS' automated systems to accurately reflect "closing" information.

a. Automated systems could not be relied on to provide accurate closing information

To determine whether someone had naturalized, INS would first check its automated databases. CIS is INS' primary source of immigrant status information. Both CIS and NACS can be queried to determine whether an

individual has been naturalized or has an application pending. The information is first recorded in NACS and then NACS is used to update CIS. As discussed earlier in this report (see “The Implementation of CUSA: an Overview,” above), even before CUSA INS was experiencing problems with some automated functions in NACS that adversely affected the reliability of the immigrant status information in CIS. These problems increased with the large volume of cases processed during CUSA.

One of the most significant problems with immigrant status information both before and during CUSA concerned NACS’ reliability at closing cases properly once they were adjudicated. After a case was adjudicated and the ceremony was completed, the case was “closed out” as we described earlier in this chapter (see “A-file Policy and Practice,” section D, above). That close-out process required both some review-related steps (even if the file was only a temporary one), to confirm that the applicant had appeared at ceremony, and data-processing steps. The data processing involved inputting the information about the naturalization ceremony into NACS; during this phase all of the “no shows” for the ceremony were marked. The clerk would then enter a computer command that would “close-out” all of the cases except the “no-shows.” Afterwards, NACS was supposed to automatically update CIS with the status information such as the new citizen’s naturalization date and the naturalization certificate number.

INS knew even before CUSA began that NACS was not successfully closing out all cases after the program had been run. The OIG found that this problem continued during CUSA and that it was reported to INS Headquarters by Los Angeles, New York, and Miami staff.

A specific example from the Los Angeles District illustrates the impact that this problem had on the integrity of INS data. By August 1995, INS had identified 132,000 cases from Los Angeles that had failed to close out in NACS. Because of the lack of clerical staff to rectify the problem by retrieving the files, reentering the data, and closing the cases manually, INS asked EDS to correct the problem. According to INS documents, by July of 1996, almost a year later, the problems with NACS had not been fully resolved and the Los Angeles cases still had not closed out in NACS. As a result, these cases were reflected as “pending” in NACS statistical reports or in CIS if queried as to the status of a particular individual. The number of cases implicated in this one

example represents approximately 10 percent of the cases adjudicated during CUSA for which INS' data systems did not reflect correct status information.⁴⁵

The status information problems were compounded by communication or "interface" problems between NACS and CIS.⁴⁶ Even when cases were closed out properly in NACS, the information did not always upload properly to CIS. The San Francisco District Office reported to INS Headquarters in May 1995 that this was occurring in approximately 20 percent of their cases.

In order for the districts to determine which cases had failed to upload properly to CIS, clerical staff needed to verify in CIS each case that had been closed out in NACS. In San Francisco, about one month after closing-out a ceremony, a clerk would check to ensure that NACS transferred all the new citizenship information over to CIS. She estimated that 25 percent of the cases would not get updated in CIS automatically. San Francisco would then send all of the files whose information did not get updated in CIS to the data transcribers in the District Office for manual updating. The data transcribers, however, were too busy to manually update these cases as they arrived, so they stored the files until they had time to update CIS. In February 1998, a supervisory clerk showed OIG investigators the room where these files were being stored. A cursory review revealed more than 100 boxes of files that still needed to be updated in CIS.

If the automated systems did not accurately reflect immigrant status, INS was reliant on the hard-copy files for information. However, because of the proliferation of temporary and even duplicate files, INS could not necessarily refer only to the person's permanent file to learn all of the details about his or her status. As the examples below illustrate, if INS used a temporary file for the applicant's interview and naturalization, and if the post-ceremony NACS/CIS interface failed to perform as designed, neither the database nor the applicant's permanent file would reflect that the applicant had become a citizen.

⁴⁵ Miami District also had experienced this problem. It, too, had lacked sufficient staff to verify cases manually. Thus, the clerical staff would not learn of any error until a naturalized citizen who had lost his/her naturalization certificate filed an application for a new one. In accordance with procedure, the clerk would check CIS to verify the person's status, which would be listed as "pending."

⁴⁶ As described in our overview chapter, NACS interfaced both with CLAIMS (the automated system used for data-entry of information) and with CIS.

b. The example of INS' response to requests by the Committee on House Oversight

On November 22, 1996, Loretta Sanchez was certified as the winner by 984 votes of the House of Representatives seat in the 46th Congressional District of California. On December 26, former Representative Robert K. Dornan filed a Notice of Contest with the Committee on House Oversight (the Committee). The day after Representative Sanchez was sworn in as a member of the 105th Congress, the Committee formed a task force to handle Dornan's appeal.⁴⁷

Dornan alleged that Representative Sanchez's victory was the result of voter fraud, in particular voting and voter registration by non-citizens. Dornan raised similar complaints to both the Orange County District Attorney⁴⁸ and to the Secretary of State for the State of California.

In April 1997, the task force requested that INS Headquarters conduct a search of its databases and match its records against the Orange County voter registration list in order to determine if non-citizens were registered to vote. The request was later reinforced through a congressional subpoena.⁴⁹

INS compared its automated records to the Orange County voter registration list and found 19,554 names on the registration list for whom there was no evidence of naturalization in the INS database, or for whom the naturalization date was later than the date of voter registration. According to the computer match, 4,119 of these persons had registered to vote in the 46th district. As a result of other work by the task force, 210 additional names were added to the list of persons identified as non-citizens who had registered to vote in the 46th district, bringing the total to 4,329. The task force then asked INS to review the paper files associated with each name, and the Los Angeles

⁴⁷ The Committee on House Oversight dismissed Dornan's contest on February 2, 1998.

⁴⁸ The allegations made to the Orange County District Attorney concerned the efforts of a community-based organization, Hermandad Mexicana Nacional, to register non-citizens to vote. The Orange County District Attorney conducted a criminal grand jury investigation that was closed on December 19, 1997, without issuance of any indictments.

⁴⁹ The Report of the Committee on House Oversight dismissing Dornan's contest of the election indicates that the subpoenas were necessary because of INS' "dilatatory and obstructionist response" to the initial request.

District assigned a group of officers (mostly temporary DAOs) and five status verifiers to work on this project.

The INS employees assigned to this project were to compare the names on the matched list to the information in that person's A-file to confirm that the person whose name was on the list was, in fact, the same person whose file was kept by INS, and to determine the person's immigration status.⁵⁰ The supervisor of the project told the OIG that, at first, INS employees requested and reviewed the permanent A-files associated with the persons whose names were on the list. Upon review of those files, INS employees found no evidence that many of the persons on the list had naturalized before registering to vote in the November 1996 election. The team members provided the District Director with daily updates and daily lists of the results of their review. INS periodically provided the results of its review to the task force.

However, because of the widespread use of temporary and duplicate files in the Los Angeles District, and the failure of team members to also search for any possible temporary files, it had been unknown to team members that in many cases the applicants had in fact naturalized, it was just that evidence of their naturalization (certificates or completed N-445 forms) had not been properly maintained in their permanent files. The project supervisor told the OIG that he learned of the team's mistake—having reported that certain applicants had not naturalized when in fact they had—in approximately October 1997 when a local television station and the *Los Angeles Times* reported that persons identified as non-citizens by INS in fact held valid certificates of naturalization. The *Los Angeles Times* article focused on several citizens who had naturalized during CUSA and who had registered after naturalization and before the November 1996 election. According to the article, one 70-year-old woman who had lived in California since 1958 said that it was the implied accusation of fraud that “hurt [her] most.”

⁵⁰ INS warned the task force of the “inherent limitations” on using INS databases for comparing the data with voter registration lists. They warned of false and duplicate matches and also noted that “INS does not typically update files of individuals after they are naturalized.” INS did tell the task force that although review of the paper files “increases the reliability and usefulness of the immigration and citizenship status information being provided,” it still would not guarantee that the INS records and the voter registration records pertained to the same individual.

In the wake of these media reports, the INS team searched for multiple or duplicate files for persons whose names appeared on the list. This task was particularly difficult because RAFACS, the file-tracking database only reflected the location of the last-recorded temporary file and, consequently, was of little use in locating multiple files.⁵¹ Team members found that persons on the list sometimes had as many as three temporary files. They also discovered that one temporary file might contain a Form N-445 indicating that the applicant failed to appear at the naturalization ceremony, and another temporary file might contain the Form N-445 indicating that the applicant had completed all the necessary steps at the ceremony and had thus been naturalized. The project team supervisor told OIG that largely because of the poor file practices in Los Angeles during CUSA and the unreliability of the “close-out” information in the databases, as discussed above, INS had at first inaccurately reported to the task force that many persons had registered to vote without having first become citizens.⁵²

c. The example of INS’ unsuccessful efforts to determine the identity and number of persons who became citizens during CUSA

Beginning in November 1996, because of congressional concerns relating to the integrity of CUSA adjudications, the Justice Management Division (JMD) and INS undertook a massive audit of the naturalization cases completed by INS during CUSA. The audit was overseen by the independent consulting firm KPMG Peat Marwick. The results of the KPMG-supervised case reviews were published in a series of reports provided to Congress and were summarized in JMD’s March 1, 1999, “Report to Congress on Status of Efforts to Correct Problems in the Naturalization Process.”⁵³

⁵¹ RAFACS’ inability to track the location of more than one temporary file is discussed in footnote 236, above.

⁵² The Committee Report notes that the INS paper file reviews indicated that more than 50 percent of the INS files with no record of naturalization in the computer database actually related to a person who was a citizen.

⁵³ KPMG’s findings and subsequent reports are described in detail in the “Criminal History Checking Procedures” chapter of this report, below.

The foundation for all of the work of the KPMG-supervised teams was INS' identification, through its automated systems after all the cases had been closed out, of persons who naturalized during fiscal year 1996. This was the "universe" of cases considered by the audits. The evidence shows that the information provided to JMD, and the information on which all of the subsequent KPMG-supervised reviews were based, was grossly inaccurate.

Although the accurate number and identities of the persons who became citizens during CUSA has not been established, INS itself has confirmed that the information originally provided to the KPMG-supervised review wrongly included 12,000 persons, and failed to include 71,000 others. INS' failure to accurately report the identities or number of persons who became citizens during CUSA was a combined product of INS' poor file-maintenance procedures and its reliance on information systems with known and uncorrected weaknesses.

(1) The creation of the KPMG database

Before the KPMG-supervised review got under way, JMD instructed INS, as noted in the JMD report to Congress in March 1999, to "update their data prior to" creation of the KPMG database. This instruction required INS to "close out" its CUSA cases. This was a matter of significant concern to JMD because all of the KPMG-supervised CUSA audits would be dependent upon the initial database created.

As it set out to identify completed CUSA naturalization cases, INS was aware that even if the Field had taken proper steps to close out CUSA cases, neither RNACS/NACS nor CIS could be used, alone, to determine the names and identities of persons who had naturalized. The interface between the two systems was too unreliable. To create a reliable list of cases naturalized during CUSA, INS would have to combine the information from NACS and CIS. Accordingly, INS generated for JMD a list (hereinafter the "KPMG database") of individuals who, according to the combined search of both databases, had naturalized between August 31, 1995 and October 1, 1996.⁵⁴ This information

⁵⁴ The KPMG-supervised review of CUSA naturalization cases was designed to include all cases in which the naturalization oath was administered between August 31, 1995, the day on which CUSA was announced, and September 30, 1996, the last day of FY 1996. In this report, we use the description "CUSA cases" and "FY 1996 cases" interchangeably in describing the "universe" of cases subject to the KPMG-supervised review. The reference to "FY 1996" cases is not a complete description because the "universe" of cases did not

showed that 1,049,867 persons naturalized during this period. This list was then compared to FBI databases to determine the status of criminal history records checks completed by the FBI.

(2) What the Criminal History Case Review and the Rap Sheet Analysis Project reveal about INS record-keeping

As discussed in the “Criminal History Checking Procedures” chapter of this report, the review team identified 17,257 cases involving naturalized persons who, according to FBI records, had potentially disqualifying criminal histories. For the review of these cases, INS collected the files relating to those applicants who had the identified criminal histories. This collection effort revealed the unreliability of INS’ file-maintenance procedures: INS could not locate 399 files that were needed for the criminal history review.⁵⁵ Accordingly, these cases were never reviewed.⁵⁶

In addition to the files required for the KPMG-supervised reviews, INS also collected any other relevant FBI criminal history reports or rap sheets that existed in the Field. Any rap sheets that arrived in time were included in the Criminal History Case Review. Then, in April 1998, the KPMG-supervised team reviewed the additional 2,900 rap sheets that had not been forwarded to

include *only* cases from fiscal year 1996. However, because the overwhelming majority of cases included were FY 1996 cases, we nevertheless sometimes use this description for ease of reference.

⁵⁵ For a subsequent KPMG-supervised review, the “Random Sample Case Review,” the review team requested 6,013 files from INS. INS could not locate 412 of those files.

⁵⁶ The OIG compared the list of 399 files reported “missing” in the Criminal History Case Review to the files in the temporary file room at the San Jose CUSA site. As noted earlier in this chapter, the San Jose CUSA office had exhibited particularly weak file maintenance procedures. During the OIG investigation, crates of unbarcoded temporary files (workfolders) remained at the CUSA office even after naturalization while the matching permanent files were stored at the Sub-office. When we reviewed the workfolders stored in this room in April 1998, we found 3 of the missing 399 files.

By the time of our discovery, the Criminal History Case Review had been completed. We reviewed the files to determine whether the applicants’ criminal histories should have disqualified them from naturalizing. In each case, the criminal offenses had been admitted at interview and did not make the applicant presumptively ineligible. Accordingly, we took no further action in regard to these files.

the review team in time for the original Criminal History Case File Review.⁵⁷ This review was called the “Rap Sheet Analysis Project.”

The Rap Sheet Analysis Project identified an additional 192 persons who had potentially disqualifying criminal histories according to the FBI. The project also resulted in an inadvertent discovery about the inaccuracy of the review’s “universe” of cases: the review team determined that of the 192 persons identified with rap sheets who became citizens during CUSA, as many as 103 had not originally been identified as even having naturalized when INS created the initial KPMG database.⁵⁸

(3) Recreating the universe of cases

Given the discovery that the original universe of cases was an unreliable foundation on which to conduct a thorough review of CUSA cases, INS searched its systems again in October 1998 to determine the number of persons naturalized during CUSA. After conducting this second search, INS reported to JMD that 71,413 new cases were identified that had not been included in the original universe of CUSA cases even though these individuals had naturalized during FY 1996. In addition to the 71,413 new cases that INS identified from this second search, 12,221 cases that had been counted as part of the original universe of CUSA cases were not included in the second universe because the individuals had in fact *not* naturalized during FY 1996. As of JMD’s March 1999 report to Congress, INS was considering whether to submit the additional 71,413 cases to a case review process similar to the Criminal History Case Review. On June 6, 2000, INS reported to Congress that it had determined that the FBI had determined that 3,656 individuals of the 71,413 had a criminal history, that INS had obtained the rap sheets of these individuals from the FBI and that INS planned to conduct a file review. Without such a review, it is

⁵⁷ KPMG reported that the 2,900 rap sheets included 300 that had been “in transit” at the time of the first review and another 2,600 “unfiled rap sheets discovered by . . . OIG at several INS field offices.” Although the OIG had become aware of the existence of these rap sheets, it was INS’ Office of Naturalization Operations that directed that the additional rap sheets be sent to the review team. The majority of these additional rap sheets were from the Los Angeles District Office. For further discussion, see the Los Angeles District Criminal History Checking Procedures Appendix, below.

⁵⁸ The other 89 cases of the 192 cases had been identified in the original universe as having naturalized but, for reasons that are not detailed in a March 1999 JMD report to Congress, they had not been included in the original Criminal History Case Review.

unknown how many of these 3,656 individuals had disqualifying criminal histories. INS did not seek to determine whether the FBI had a record of conducting fingerprint checks for the 71,413.⁵⁹

⁵⁹ Based on the small sample examined in the “Rap Sheet Analysis Project,” it appears that the persons whose naturalization was not reflected in INS’ first query of its databases were those who naturalized late in fiscal year 1996. Given what we have described in our report about the mounting production pressure during fiscal year 1996, the cases naturalized late in the year may in fact have been those most vulnerable to processing errors.